California Journal

A MONTHLY DIGEST OF STATE GOVERNMENT AND POLITICS

Election Analysis

Electing Legislative Leaders

Local Revenue Crisis – IV

Welfare Conformity Issue

New State Planning Office

California's Court System

November 1970 in Review

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Editor's Note

California Journal is publishing a book of readings designed for classroom use in high schools and colleges. Composed largely of excerpts from our first twelve issues, this inexpensive student guide will be available in time for the spring semester. Its purpose is to provide timely material for use in conjunction with introductory courses which cover state government.

In the course of preparing this book we have had occasion to re-evaluate one of the assumptions upon which we founded *California Journal*. From its inception the *Journal* has attempted to convey comprehensive, expert and insightful information about state government and politics in a format that appeals to the not-so-expert, interested student of government (whether in school or not) as well as to the professional. Our attempt was motivated by a desire to reach the broadest possible audience with the kind of information that is most needed — dependable source material.

The attempt to write for students and experts alike has led to a kind of schizophrenia which, on balance, we feel is more healthy than not. In the first place, in any given area of the *Journal's* coverage there are surprisingly few "experts." Secondly, the process of trying to satisfy both audiences has resulted in writer and reader taking a new look at some of the underlying assumptions and structure which so often control current events, thereby proving greater understanding of the why of things.

Using an example from this issue, the discussion of the election of Bob Moretti as the Democratic Caucus' candidate for Assembly Speaker is meaningless without some information on the powers of the Speaker, especially in comparison to those of the Senate President pro Tempore. Similarly, the article on the structure of the California court system and the issues of judicial administration provides a basis for understanding the operation of the courts and the means by which major decisions attracting public attention are rendered.

As we wrote once before, *California Journal* has a bias in favor of "good government." An informed electorate is a vital part of the process of good government. Attracting educated young people to participate in the process both as voters and workers is another. We hope that the *Journal* and the forthcoming student guide help promote such participation.

* * *

This month, two people not on the *Journal* staff have written pieces for which we want to express our appreciation. Elizabeth Pendley authored the articles on Proposition 18 and on the reactions of the election's losers. Madeline Sager, a recent graduate of the U.C. Davis Law School, wrote the article on issues facing the courts and drafted the diagram of the court system.

* * *

We at the *California Journal* extend to you our best wishes for a happy holiday season and a New year of peace and goodwill.

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Democrats Win Control

What They Did

Pick up Four Seats in Assembly; Two in Senate

Although the Republicans strengthened their hold on the statewide offices, the Democrats were very pleased to find on November 4th that the Legislature, a prize Democrats had almost given up hope of obtaining this year, had become theirs. In the Assembly, five Republican incumbents were defeated, and another dozen were held to surprisingly narrow victory margins. Two seats changed hands in the Senate. Clearly, to use the political jargon, the GOP's "Cal-Plan" had peaked too soon.

Reagan's Coattails

The Republicans had run a campaign for the Legisulature based to a large extent upon the theory that Ronald Reagan's great popularity could be transferred to Senate and Assembly candidates. As it turned out, Reagan's magic had faded before the attacks of Jess Unruh and the realities of four years in office, and the coattail effect of his victory was negligible. As Unruh said, the Democrats had "cut Ronald Reagan's coattails off at the lapels."

Republican leaders were publicly distraught. Rus Walton, a key political advisor to the Governor, stated bitterly that Republicans had "worked for 10 years to build up to a majority and then at the finish line it blew up." He specifically criticized the leadership of Dennis Carpenter, Republican State Central Committee Chairman and State Senator, charging that the party organization had neglected fundamentals. Although Carpenter replied that in his opinion the GOP precinct effort had been the best ever, others close to the operation felt that the "Peter Principle" may have been operating against the party. As young campaign aides proved their value in tough district competition, they moved up the ladder, leaving the day-to-day details to inexperienced and less competent replacements.

Democratic Assemblyman Bob Moretti, who is likely to gain a great deal from the upset as the leading candidate for Assembly Speaker, told the *San Jose Mercury:* "We caught the Republicans napping. I think they were very confident we could not do it." Although Moretti's analysis seems to hit the essential point, it was also true that the Democrats' legislative campaigns were at least as well organized and directed as they had been in the days when Jess Unruh was Speaker. And few had expected the bleak economic outlook and the surprising impotence of the "law and order" issue, weakened perhaps as much by the Republicans' overemphasis as by Senator's Muskie's soothing words.

Senate Targets

In the State Senate the GOP was unable to dislodge any of the targeted Democrats. Walter W. Stiern, who had stood fast against Reagan's tax program during the 1970 session, fought long and hard against a concerted GOP effort on behalf of his opponent Bill Park. Showing characteristic spunk when attacked in newspaper and radio ads, Stiern responded by suing Spencer-Roberts and the Governor. He won by 13,000 votes.

Senator James Mills of San Diego, another Democrat on the Cal-Plan list, won a resounding 2-to-1 victory over County Supervisor Henry Boney. Incumbent Democrats Lawrence Walsh, Ralph Dills, Alan Short, and Al Song, thought at one time to have tough races, all won easy victories. Only Democratic Tom Carrell of San Fernando had trouble holding his seat. He nevertheless fended off the late challenge of former policeman George O'Nan, receiving 54.5 percent of the vote.

Democratic Assemblyman George Zenovich succeeded retiring Senator Hugh Burns, but not without a bitter struggle with Earl Smittcamp, his wealthy GOP opponent. Zenovich received only 52.3 percent of the vote.

On the Republican side, Senators William Coombs of Rialto and Fred Marler of Redding proved to be elusive targets for the Democrats. Marler won easily, while Coombs defeated a serious opponent, San Bernardino supervisor Nancy Smith, by 15,000 votes.

DEMOCRATIC AND REPUBLICAN SHARES OF TWO-PARTY VOTE FOR ASSEMBLY AND SEATS WON — NOVEMBER 1970

	Democratic Vote	Republican Vote	Seats Won Dem.	Seats Won Rep.
Northern California	49.5%	50.5%	19	15
San Francisco Bay Area[1]	60.1	39.9	14	5
Other counties	36.9	63.1	5	10
Southern California	51.6	48.4	24	22
Los Angeles County	55.3	44.7	19	12
Other counties[2]	45.2	54.8	5	10
Total for State	50.7	49.3	43	37

1 Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma.

2 Imperial, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Ventura.

In the Bay Area, however, the GOP candidates ran very poorly. San Mateo's 12th District sent Democrat Arlen Gregorio to Sacramento in the major upset of the election. In rejecting GOP Assemblyman Carl Britschgi, San Mateo County voters elected the first Democratic senator to represent the peninsula county since 1913.

Senator Lewis Sherman's defeat by John Holmdahl was not unexpected. Republican Sherman lost by only 6,000 votes, despite a Democratic registration advantage of well over 2-to-1. But in the South Bay where conservative Republican Senator Clark Bradley was expected to encounter only token opposition, a hearty band of conservationists helped Democrat John Rutherford mount a determined race that might have toppled the incumbent had it been adequately financed.

And in Marin County, fomer supervisor Peter Behr, a solid GOP favorite to hold the seat of retiring

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How They Did It

Democrats Won in Summer Registration Drive

Each election year Democrats tell one another that a successful registration drive will determine the fate of their party in the general election. But somehow they rarely get around to doing much about it. Since registration ends 54 days before the November election, a tremendous amount of political consciousness is needed to walk precincts or to sit in supermarkets during the months of July and August, registering the potential voters from among the mobile, apathetic, or alienated persons who fail to do so themselves. The campaign is far from its peak, the heat is usually oppressive, and the temptations to do something else — anything else — are almost overwhelming.

This past summer, however, under the aegis of their long-time political leader, Jess Unruh, and with financial backing from organized labor, Democrats did what they have long talked about doing — they registered voters, almost 400,000 in fact. And they made their greatest registration gains in those regions that had been turning away from them in recent elections — the Los Angeles suburbs, East San Jose, the San Joaquin Valley. Party workers did not worry particularly about skin or collar color, they just enrolled everyone in sight and hoped that the issue of unemployment would hold their party's broad coalition together in November. It worked.

DEMOCRATIC PERCENTAGE OF TWO-PARTY VOTE FOR GOVERNOR 1958-1970

	1958	1962	1966	1970
Northern California	64%	56%	46%	49%
San Francisco Bay Area[1]	65	57	49	50
Other counties	64	55	43	47
Southern California	56	50	40	44
Los Angeles County	58	53	43	48
Other counties[2]	52	45	34	37
State Totals	60	53	42	46

1 Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma

2 Imperial, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Ventura

Their victories came as a great surprise to even the most ardent Democratic loyalists, as they captured control of the Legislature in the face of solid Republican victories in all but two of the partisan statewide races.

What happened this year is not unprecedented, however. In fact, with a reverse of parties, the 1970 election is almost an exact mirror image of 1962 when the Democrats won the Governorship and the other constitutional offices and the Republicans won the U.S. Senate race and picked up two state Senate and five Assembly seats.

But control of the Legislature did not change hands in 1962, and, in any case, control was not as important as it was this November. In 1970, both parties placed extremely high value on winning the Legislature and expended great effort to gain or maintain a pre-reapportionment advantage. Given this, what were the factors, in adition to the success of the registration effort, that enabled the Democrats to upset the invincible Cal-Plan, which had produced Republican legislative gains at every election since 1962? Here are some of them — no single one was decisive, but togther they produced a stunning upset.

- While the Republicans won most of the races at the head of the ticket, the margins were not overwhelming and did not carry much weight further down the ballot. Neither gubernatorial candidate attracted great enthusiasm. The greater "drop-off" in 1970 over 1966 and 1962 is a measure of this.
- California is a Democratic state in terms of registration but one in which the Republicans are much more likely to vote and much more loyal to their party once they are in the voting booth. This year, however, Republicans may have suffered from overconfidence or fatigue. Their precinct operations and get-out-the-vote drive were no better than those of the Democrats.
- The Republicans held more seats which were more vulnerable in the first place. With an effective registration and get-out-the-vote effort by the Democrats, Republicans holding seats in strong Democratic districts were in trouble. Every one of the losing incumbent Republicans was from a district with over 55 percent Democratic registration. Four of the six defeated incumbents (Senator Sherman and Assemblymen Berryhill, Crandall, and Hom) came from districts with over 60 percent Democratic registration. In contrast, only three Democrats represent districts with less than 55 percent Democratic registration, and none holds a seat with less than 50 percent Democratic registration.
- "We just had weak candidates in some of the toughest races," one Republican Party worker admitted. The exception proves the rule: in the one state legislative race this year where the Republicans took over a Democratic district, Kenneth Maddy, a progressive young Republican, defeated P. J. Camaroda, a 62-year-old conservative Democrat. Maddy won in a district with a 65 percent Democratic registration. His appeal as a candidate is said to have transcended party loyalty and ideology.
- The destitute Democratic Party was able to gain maximum advantage from the effective deployment of its limited resources, while the Republicans failed to campaign with their usual thorough precision. The Assembly and Senate Democrats used their caucus and consultant staff on a nearly full-time basis all year, supporting the legislative activities of vulnerable incumbents, writing newsletters and press releases, organizing fund-raising activities,

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Voters Reject "Politicians" in Key State Contests

When "Battling" Bella Abzug, the crusader for peace and women's liberation from the lower East Side of Manhattan, was asked to explain the paradox of her election to Congress on the same day her fellow New Yorkers elected conservative James L. Buckley to the Senate, she said, "I was a human being people could relate to. They don't make bad choices."

Despite California's advanced stage of political development, which continues to elude many a reporter from the Eastern Establishment press, Mrs. Abzug's words apply to the campaigns on the west coast as well. With ticket splitting the rule as much as ever, Californians re-elected their Governor, Ronald Reagan, a man they still relate to even if by a diminished margin. They also sent to the U.S. Senate, John V. Tunney, the young congressman from Riverside County, defeating the Governor's old friend George Murphy.

The Reagan margin over Democrat Jess Unruh was 500,000 — half of the total gained in his smashing defeat of Pat Brown in 1966, while the 36-year-old Senate victor won by 600,000 votes over the Republican incumbent. Another familiar name in the political life of the 60's, Dr. Max Rafferty, saw his career in public life ended by his former deputy, Wilson Riles. The black educator had an even higher percentage of the vote than Reagan or Tunney.

SUMMARY OF RESULTS: GENERAL ELECTION NOVEMBER 3, 1970

	Democratic	Republican	% Dem. of Two-Party	Totals (all parties)
Registered voters	4,781,282	3,469,046	57.9%	8,706,347
Total vote cast	—	—	—	6,633,400
% of registration				76.2%
Governor	2,879,140	3,382,384	46.0%	6,390,665
U.S. Senator	3,426,119	2,828,242	54.8%	6,370,074
House of Reps.				
Votes cast	3,059,152	3,042,553	50.1%	6,198,445
Seats won	20	18		
Change	−1	+1		
State Senate				
Votes cast	1,640,003	1,624,196	50.2%	3,354,118
Seats won	12	8		
Change	+2	−2		
Assembly				
Votes cast	3,050,277	2,968,481	50.7%	6,122,473
Seats won	43	37		
Change	+4	−4		

Moralism The Issue

Although each campaign was conducted differently, bringing together two very distinct personalities, it seems clear that a strain of moralism ran through the election. Those candidates who could clearly be depicted as "politicians", with all the odious connotations of the traditional American stereotype, were turned out or rejected.

COMPARISON OF POPULATION 21 AND OVER WITH NUMBER OF REGISTERED VOTERS AND VOTES CAST

	Civilian Pop. 21 and Over (thousands)	Registered Voters (thousands)	Percent Registered	Total Vote Cast (thousands)	Percent of Eligible Pop. Voting
1960*	9,549	7,465	78.2%	6,593	69.0%
1962	10,042	7,531	75.0	5,980	59.1
1964*	10,698	8,184	76.5	7,233	67.6
1966	11,262	8,341	74.1	6,606	58.7
1968*	11,840	8,588	72.5	7,341	62.0
1970	12,583	8,706	69.2	6,633	52.7

*Presidential election years.

Jess Unruh, described by Reagan's campaign consultant, Bill Roberts, as "never at any time a viable candidate," brought the image of a high-powered legislative "wheeler-dealer" with him when he declared for Governor. And despite his campaign kick-off declaration that "the old Jess Unruh is not here anymore," and the belief, expressed by his campaing manager Phil Schott, that no more than one percent of California voters still view Unruh as a political "big daddy", many voters refused to change their image of the former Assembly Speaker.

The Reagan forces, who say that their candidate never really attempted to develop an anti-Unruh theme, believe that Unruh's early "house visits" did much to reinforce the fading, negative image of the Assemblyman. Yet Unruh himself seemed to come alive as a candidate when issuing strong partisan attacks. He seemed incapable of running the non-partisan campaign demanded by the voters.

Tunney's constant attack on Senator Murphy's affiliation with Technicolor Inc., a variation on the theme developed in the Republican primary by Norton Simon, brought out a similar element of opposition. The fatherly Murphy, who seemed personally superior to his 1964 opponent, the squat, cigar-smoking Pierre Salinger, had clearly lost the confidence of that crucial 15 percent of the vote that does not follow any party slate. A week before the election, Lt. Governor Ed Reinecke candidly said publicly what most distraught Murphy partisans were saying privately. "I think Murph will win," he said. "But it's going to be spooky. He's got no one to blame but himself and his staff. He should have explained the Technicolor situation to begin with. He's trying to now, but I'm not sure he's getting through."

COMPARISON OF REGISTRATION AND VOTE BY PARTY — NOVEMBER 1970

	Registration	Governor	Senate	House	State Senate	Assembly
Republican	39.8%	52.9%	44.4%	49.1%	48.4%	48.5%
Democrat	54.9	45.1	53.8	49.4	48.9	49.8
Amer. Indep.	0.8	1.0	0.9	0.9	2.7	1.4
Peace & Freedom	0.5	1.0	0.9	0.6	—	0.3
Totals	100.0*	100.0	100.0	100.0	100.0	100.0

*Includes 6,201 miscellaneous and 341,219 declined to state.

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Riles' Grassroots Campaign Unseats Rafferty

"The whole truth is that in California — as elsewhere — there is a large number of people who will vote against a black candidate for no other reason than that he is black . . ."

So concluded columnists Frank Mankiewicz and Tom Braden in a column written in late August about the campaign of Wilson Riles for Superintendent of Public Instruction in California. Undeniably there was truth in what they said, but as the vote on November 3rd clearly demonstrated, not the "whole truth". The whole truth is that a larger proportion of California voters when offered an exceptional candidate with a well-organized campaign for a position of real importance to them will ignore race and give that candidate their support despite the gloomy predictions of those who say it cannot be done.

Nevertheless, in late 1969 and early 1970, when Riles and several others were looking for a strong candidate to oppose Dr. Max Rafferty in the June primary, at least a half-dozen prominent school officials whom they approached believed that no one — black, brown, or white — stood a chance against Rafferty. It was their refusal to run which convinced those who beileved that Rafferty could be beaten (Marion Joseph, Dorman Commons, and Bill Norris were the nucleus of this group) to turn to Riles as their candidate. When Riles accepted, however, many of his friends thought of it more as a noble gesture than as a decision which was likely to lead to the unseating of Max Rafferty.

Primary Vote

The results of the June primary proved little one way or the other except that Rafferty, who had maintained a very reserved and professional appearance in the face of attacks by eight challengers, could have won it then had he campainged a little harder. The margin of that vote was 48.8 percent for Rafferty against 25.2 percent for Wilson Riles and 12.6 percent for Julian Nava.

Riles, who had no previous experience in a political campaign, was later to remark with a noticeable trace of wonder about the growth in his support from 7 percent in a statewide poll in May — "ground zero" he called it — to a very comfortable 54.1 percent of the vote in November. It was indeed a remarkable change and a strong testimony not only to the mysteries of California politics but also to Riles himself and to those who put together and ran his campaign.

The character of the campaign owed a great deal to the fact that Wilson Riles was a political unknown, that he was black, and that it had been 52 years since an incumbent Superintendent of Public Instruction had been unseated. These factors in turn made it certain that the campaign would have to run on a very modest budget. According to Marion Joseph, a close friend and associate of Riles' who served as statewide campaign coordinator, Riles himself wanted a professionally managed campaign with all the emphasis on television, the press, and mass voter appeals which such campaigns entail. But that was out of the question with a campaign budget of about $100,000 for the primary and $200,000 for the general election (actual total spending may have reached $350,000).

Grassroots Campaign

It was therefore, much more of the kind of "grassroots" campaign that many speak about but few have the talent and energy to put together on a statewide scale. In the opinion of some supporters, however, it was the candidate's color even more than the money which made this necessary. In their view, it was essential for him to establish his credibility and qualifications on a person-to-person and then on a word-of-mouth basis in each community.

"We knew that in order to win we had to go after the decision-makers in each community," said Mrs. Joseph. "Personal references by these people were what was needed to get Wilson elected." To make this possible she established a volunteer campaign organization in 54 of the state's 58 counties and in each major community within the largest urban counties of Southern California. These organizations were responsible for arranging appearances for the candidate, gaining access to community leaders, and organizing the necessary local fund-raising activities.

On this base, Marion Joseph constructed a schedule which called for three speeches and as many as five personal appearances of some kind every day, seven days a week, up and down the state. In every community the local newspaper editor, school officials, and other community leaders were particular targets for visits by Riles with his inescapable personal magnetism.

Rafferty's Campaign

This was in strong contrast to Max Rafferty's campaign which, in large part, retained its pre-primary flavor of aloofness and defensiveness. Rafferty is a veteran campaigner, having run successfully for Superintendent in 1962 and for re-election in 1966 and unsuccessfully for the U.S. Senate in 1968. Rafferty continued to limit his appearances to a relatively few educational association meetings and Republican gatherings. Apparently confident of easy victory but still stung by his loss to Alan Cranston in the Senate race two years earlier, he did little more

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Smog, Transit Proposition Rejected

Proposition 18, the "clean air" amendment, was soundly defeated in November by a well-organized, well-financed campaign. Because of the importance of the pollution issue generally and this proposed amendment specifically, it may be useful to examine the reasons for and the probable consequences of that defeat.

Proposition 18 was to amend the state constitution to authorize the use of gas taxes and license fees in two ways for the control of environmental pollution caused by motor vehicles. First, up to 25% of the money collected from gas taxes and license fees for state highway construction could also be used for the construction of public transportation systems, including mass transit systems, with the approval of a majority of vote in a county or multi-county transit district. Similarly, cities and counties could use up to 25 percent of the allocations they now receive for street and highway purposes for the construction of public transportation system if authorized by the local voters. Second, Proposition 18 authorized the unlimited use of the revenue by the state for "the control of environmental pollution caused by motor vehicles."

Legislative Approval

Few constitutional amendments become the center of heated, well-financed campaigns, particularly if they are placed on the ballot by the Legislature. However, Proposition 18 was the most controversial, hardest fought issue on the ballot. This came as no surprise after the measure passed the Assembly 54-18 (the minimum necessary for passage) and the Senate 28-7 (with one vote to spare).

Both gubernatorial candidates endorsed the proposition, as did civic groups such as the League of Women Voters, the League of California Cities, the Clean Air Council, the Roadside Council, the Association of Publicly Owned Transit Systems, the Sierra Club, the Jaycees, the California Association of Life Underwriters, the California Medical Association, and the Tuberculosis and Respiratory Diseases Association. *The Oakland Tribune* was the only major newspaper which did not support it.

Research has indicated that as much as 80% of California's air pollution problem is produced by motor vehicle emissions. Proposition 18 was a means for "putting responsibility where it belongs," according to Dr. Burnett, President of the California Medical Association. "Since much of California's air pollution problem is caused by motor vehicles, they should be taxed accordingly to help clean up the problem they helped to create."

Senator James Mills, author of Proposition 18 and Assemblyman George Milias, Chairman of the Natural Resources and Conservation Committee, expressed their belief during legislative hearings on the measure that neither air pollution nor traffic problems can be solved by building more freeways; that the construction of pollution-free transit systems is essential to obtaining cleaner air. A rapid transit system, they pointed out, would cost less to build than an eight-lane freeway and could carry more people faster. Future authorization of federal matching funds could help cut state and local rapid transit costs by two-thirds. By weakening the automobile's position as the sole method of ground transportation, Proposition 18 would restore balance to California's transportation systems, they argued. Governor Reagan, in endorsing Proposition 18, said that it gave the people the essential right to determine how public funds should be spent.

Not surprisingly, the "highway lobby" consisting of the automobile clubs, various oil companies, the International Brotherhood of Teamsters, the California Trucking Association, and construction companies with an interest in highway projects, objected to diverting the gas tax and license fees to non-highway uses. Calling Proposition 18 a "cruel smog hoax," they pointed out that the bill did not limit spending on air pollution, and that it would not provide the promised pollution relief. The State Air Pollution Board had already been granted $10 million by the Legislature for air pollution research during the next three years, they said, and no additional funding was necessary. In the words of one member of the highway lobby, it looked like the Legislature was trying to solve the air pollution problem "by stuffing hundred dollar bills up tail pipes."

Smog a Smoke Screen

Believing Proposition 18 to be an ecology smoke screen to hide funding for rapid transit systems, Senator Randolph Collier, father of the state's massive freeway system, and Assemblyman Robert Burke stated that even now the highway fund is barely sufficient to meet the requirements of federal highway matching aid programs. With any reduction in gas taxes and license fees, they claimed, state highways and local road systems would deteriorate, causing congestion, accidents and fatalities. They emphasized their opinion that the highway fund could not subsidize both roads and rapid transit systems without additional taxes. It was this argument which led opponents of Proposition 18 to paper billboards around the state with the words, "More Taxes? No No. 18."

The highway lobby's campaign was effective in getting an uncertain electorate to reject what they couldn't understand. The "clean air" amendment was soundly defeated November 3rd by a vote of 3,121,611 to 2,648,287. Proposition 18 passed in only seven counties—Marin, Monterey, San Francisco, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz. The vote in Los Angeles County was exactly that of the state as a whole—45.9 percent for and 54.1 percent against.

As of October 27th, $165,175 had been spent by the opponents of the measure. The biggest contributors to the campaign fund were the oil companies: Standard and Shell, $30,000 each; Texaco and Union, $20,000 each. In comparison, the supporters of Proposition 18 reported expenditures of only $6,457.92 by October 22nd, with the largest contribution, $5,651.42, from the Tuberculosis and Respiratory Disease Association of California. (Final expenditure reports are due December 3rd and will be available in the Secretary of State's office.)

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Incumbents Roll On and On: Congressmen Are Re-elected

Thirty-one of California's thirty-eight congressional districts resoundingly re-elected their incumbent representatives with over 60 percent of the vote in the November General Election. Four other seats were retained by incumbents, but by a smaller margin of victory, while new congressmen were elected in the remaining three districts. As a consequence, California's delegation is now composed of 20 Democrats and 18 Republicans, a gain of one for the Republicans.

COMPARISON OF VOTE DROP-OFF GENERAL ELECTIONS 1962, 1966, and 1970

Office	1962	1966	1970
Governor	100.0	100.0	100.0
U.S. Senate	96.5	—	99.7
House of Reps.	95.2	96.5	97.0
Assembly	93.6	94.3	95.8

As the first challenger to have beaten an incumbent congressman in a primary in 20 years, Berkeley City Councilman Ronald Dellums went on to become California's second black representative in Washington. He won a solid 25,000 vote victory over a 25-year old Republican, John Healy, in a race given national attention by Vice President Spiro Agnew. In the San Gabriel Valley, Democratic State Senator George Danielson won an easy victory over GOP businessman Tom McMann to take the seat vacated by George Brown.

Veysey Succeeds Tunney

The Democrats lost the seat formerly held by Senator-elect John V. Tunney in the Riverside-San Bernardino-Imperial County area. Moderate Republican Victor Veysey, who gave up his seat in the Assembly to run for the 38th District seat, was the winner over Dave Tunno by a slim 2,958 votes, according to semi-official returns. Allegations of election irregularities have brought a congressional investigation team to the district, but Veysey is expected to go to Washington in January.

Two Republican incumbents met unexpectedly tough opposition from younger Democratic foes. In the San Francisco-Marin County area, William Maillard, a veteran Republican moderate, received only 53 percent of the vote. With legislative reapportionment bound to affect the districts in the Bay Area rather markedly, Maillard may be expected to have another tough race in 1972 should he seek re-election. Another fixture in the House, eight-term Representative Charles Teague of Ojai, disposed of Gary Hart, a protege of liberal Representative Allard Lowenstein, by 40,000 votes.

Democratic Congressman Richard Hanna of Huntington Beach defeated William Teague for the second time. Hanna increased his slim 1968 margin to 20,000 votes, as he continued to frustrate Orange County Republicans intent on his defeat.

The congressional elections seemed to prove only one thing—no matter how tumultous the world may be, voters will stick with a known quantity if the incumbent puts to good use the staff, franking privileges, and the available federal benefits. California voters do not easily dismiss their chances to benefit from the congressional seniority system. That and a favorable party registration figure can make an incumbent practically invulnerable.

Familiar Name and Fat Wallet Insure Success at State Level

The contests for the lesser state constitutional offices were won and lost almost entirely upon the amount of fame and fortune the candidates carried into the races. In each case, the candidate with access to the most money and the greatest degree of name recognition won.

All of the incumbent Republicans won whopping victories. Controller Houston I. Flournoy, running hard to offset potential voter confusion with James L. Flournoy, the GOP aspirant for Secretary of State, easily beat Ronald B. Cameron, and with 60 percent of the vote. Ivy Baker Priest, perhaps the most endorsed candidate in the state, won re-election with 58 percent of the vote cast for State Treasurer.

Lieutenant Governor Ed Reinecke did better than expected and gave his declared candidacy for Governor in 1974 a boost by running ahead of Governor Reagan. He received 55 percent of the vote in topping State Senator Alfred Alquist. Many of Reinecke's staff immediately put up signs in their offices saying "Reinecke in 1974".

VOTE DROP-OFF NOVEMBER 1970

	Votes Cast	Index
Governor	6,390,665	100.0
Controller	6,153,618	96.3
Attorney Genl.	6,252,382	97.8
Supt. of Public Inst.	5,912,356	92.5
U.S. Senator	6,370,074	99.7
House of Reps.	6,198,445	97.0
Assembly	6,123,473	95.8
Proposition 1	5,716,708	89.5
Proposition 10	5,208,368	81.5
Proposition 18	5,770,470	90.3
Proposition 20	5,434,499	85.0

Third Party Factor

Another likely candidate for Governor in four years, Evelle J. Younger, edged ahead of Chief Deputy Attorney General Charles O'Brien by 91,590 votes in their battle to replace retiring Attorney General Thomas C. Lynch. District Attorney Younger's Los Angeles County strength barely carried him through to victory as O'Brien gained ground rapidly during the final weeks of the campaign. Peace and Freedom candidate Marge Buckley apparently foiled O'Brien's victory. She led all third and fourth party candidates in statewide races by garnering 174,580 votes from the disaffected Democratic left which was put off by O'Brien's blunt law and order stand.

Edmund G. Brown, Jr., the favorite for Secretary of State throughout the campaign, won only a slim victory over James L. Flournoy. The son of the former Governor, Brown, who is also considered a potential candidate for Governor in 1974, seems to have incurred the dislike of some Democratic Party leaders in running a very independent effort. Brown's exceptional strength in San Francisco, San Mateo, Santa Clara, Sacramento, Contra Costa, and Alameda Counties enabled him to overcome the "Team 70" coattail vote James Flournoy received in the southern counties.

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We Asked the Losers How They Feel; What They're Going to Do

On November 4th, several state legislators and other public officials found that their constituents had decided they should soon look for other employment. Out of some curiosity, but with no intention of needlessly invading their new-won privacy, *California Journal* asked several former incumbents how they viewed the election results and what plans they have for the future.

In repsonse to *California Journal's* questions, Senator Lewis Sherman admitted that he was disappointed with the election results, and said he felt that "adverse registration" caused his defeat. He nevertheless believes that he overcame tremendous odds to capture as much as 48% of the votes in his 30 percent Republican district. Having found his work in the Legislature "most fascinating," he believes that he did a "good job for his district." As to his plans now, he remarked that he may be a better lawyer because of his political experience. (He's rumored to be considering a legislative liaison position with Governor Reagan.)

Assemblyman Earle Crandall, not "down in the mouth" about his defeat, was willing to discuss the election objectively. His campaign, he said, was hindered by the high rate of unemployment in his area due to aerospace layoffs, and he felt also that voters were looking for more youthful candidates. His endorsement by church groups, Mexican-American leaders, and the Teamsters could not overcome AFL-CIO opposition. He found that running as an incumbent made it difficult for him to attack his opponent, as critics might accuse him of "overkill". Musing over his plans for the future, he said that he will miss capitol activities but considers himself fortunate to have had such a rich experience. "I guess I was the right person at the right time and place." A retired school superintendent, Crandall plans to continue lecturing on government to junior high and high school students. His thoughts for the future also include political activity at the local level and, he says, with the reapportionment of his district, "Who knows? I might even run again." But first, he plans some travel and fishing.

Assemblyman Don Mulford would only comment that he had waged an "excellent campaign" which was unsuccessful only because he could not overcome the "registration problem". He somewhat tersely insisted that he was "not bitter" and had "no rancor" and "no emotional feelings" toward the campaign. "All good things must come to an end," he said. He plans to continue working as a broker in his insurance firm.

Assemblyman Clare Berryhill stated that he enjoyed his brief tenure in the Assembly, and that as an active farmer with a working knowledge of agriculture, he felt able to represent agricultural interests. He believes that the tremendous registration drive of the Democrats as well as a year-long campaign waged by his opponent caused his defeat. Mr. Berryhill said he felt obligated to be present in the Assembly during the session, and was therefore forced to run a short campaign. He acknowledges that his political ambitions have not been satisfied, and he holds a "definite philosophy of government" which he feels must be adequately represented. Although he says that his grape ranch will need supervision, he is also interested in working part-time for the Department of Agriculture in Sacramento or in representing a farm organization.

For whatever reasons, Assemblyman Carl Britschgi, the most surprised loser, was not interested in an interview. His secretary conveyed the message.

Assemblyman Henry Arklin's personal views of the November campaign or his plans for the future will have to wait until he returns from his honeymoon.

Superintendent of Public Instruction Max Rafferty is out of state until November 30th. Apparently several firms have offered him excellent positions; he plans to continue in the field of education.

"POLITICIANS" *(Continued from page 306)*

Murphy's Loss

Clearly, Murphy had little chance of repairing the damage. Confronted with an opponent who had finally learned to run his own campaign instead of attempting to invoke memories of past Kennedy efforts, the senior Senator was beaten at the same game he had won six years before. This time the shadow was cast upon him, and he couldn't step away from it no matter how he tried. The frustration he felt was evident.

Riles, by concentrating upon the deep concerns of parents and educators and by gathering an impressive list of supporters and endorsements, was able to focus attention on his intention to serve "the children." Rafferty, whose earlier campaigns were typified by the same kind of dedication to the real job of running the Department of Education, had become the ambitious political spoiler as a result of his unsuccessful Senate candidacy. Instead of the savior of the schools, he appeared more intent on saving his skin — in short, he had become a "politician" instead of an educator, and he suffered the consequences (see Grassroots Campaign, page 307).

Voting for the man, instead of the party, a habit that seems to be on the increase among California voters, naturally goes hand-in-hand with a tendency to vote for the candidates who project — above all else — goodness and sincerity. Other qualifications may be less important than candor in the minds of those voters who tend to be young, well-educated, and issue-oriented but not bound by any ideology.

But it is easy to make too much of these voters and the trend they seem to lead. As President John Kennedy once said, "Every mother wants her son to become President, as long as he doesn't have to become a politician in the process." The secret of many a politician's success today lies in his ability to run against the system even after becoming part of it. These independent California voters must now determine whether that approach will have its pay-off in terms of the "good government" they say they want.

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Electing Legislative Leadership: How It's Done

As soon as the election results were official and it became apparent that Democrats held a decisive 43-37 majority in the Assembly and a narrow 21-19 edge in the Senate, speculation about the future of California politics shifted dramatically from the hotly contested legislative races to the leadership fights shaping up in both houses. It was apparent that the election outcome would have a significant impact on the key issue of congressional and legislative redistricting as well as on Governor Reagan's second term as chief executive.

In the Assembly, Democrats found themselves engaged in their first serious speakership fight since late in 1961 when Jess Unruh began his tenure in the post he subsequently held longer than any of his predecessors. No less than eight Democrats expressed interest in succeeding Republican Speaker Bob Monagan, who held the position for a brief two-year span, as the Democratic leadership fight, which had been simmering below the surface since Unruh announced his candidacy for Governor, heated up. The speakership election strategy pursued by Assemblyman Bob Moretti of Los Angeles apparently proved successful among Assembly Democrats when their caucus unanimously endorsed his candidacy on November 25th. The actual election will be held on the first day of the new session, January 4th.

Senate Contest Continues

The leadership contest in the Senate has taken a different form. It is largely a resumption of the running battle between the so-called "Old Guard" forces and a liberal reform group which last year successfully assembled enough support behind Republican Senator Howard Way to topple Senator Hugh M. Burns from the President pro tem's spot before the Old Guard was able to regroup behind Senator Jack Schrade and recapture control. Since then there have been some significant changes which may have shifted the balance of power. Three of the stalwarts of the Old Guard forces — Burns, Richard J. Dolwig, and Jack McCarthy — did not seek re-election, and Republican State Chairman Dennis Carpenter was elected to John Schmitz's Orange County seat in a move that younger senators who supported Way felt would give them another chance to regain control of the Senate.

It came as a surprise, however, that the November election gave the Democrats a narrow edge in the Senate. This did not greatly alter the nature of the Senate leadership fight, but it did determine that the choice of candidates would be from among the Democrats in both factions, unless Schrade is able to combine his Old Guard support with backing from the Governor to retain control.

A Senate Democratic Caucus vote on November 28th reportedly gave Senator James R. Mills of San Diego a narrow majority of support for his candidacy for President pro Tem. This gives him the inside track to unite Young Turks of both parties to control the Senate.

Unlike the Assembly, where the Speaker is paramount in making all committee appointment and exercising complete discretion in referring bills to committee, the Senate vests appointment powers in a five-man Rules Committee elected by the membership with the President pro Tem serving as its chairman. With this arrangement it is not unusual for several members of the Rules Committee to wield as much influence over the internal workings of the Senate as the mount in making all committee appointments and ex-pro tem. Since it is still possible to play a significant role in Senate leadership without assuming the pro tem's mantle, there are several prominent senators with some chance of attaining the post who are not sure they want it.

Assembly Contenders

Because of this difference, the leadership fight in the Assembly usually is more open and vigorous. In the current fight four of the announced candidates have appeared to be in serious contention: Carlos Bee, first elected to the Assembly in 1954 and Speaker pro Tempore under Unruh; Ken Cory, a former legislative consultant who was elected to his Orange County seat in 1966 despite the Reagan landslide; John Knox, elected in 1960 and a respected committee chairman during both Democratic and Republican control of the house; and Bob Moretti, the apparent winner.

Moretti was first elected to the Assembly in 1964; like Cory he is a former legislative consultant and like Knox he held an important committee chairmanship under Monagan's tenure as Speaker.

His candidacy was no surprise to anyone who has observed the Legislature over the last few years. When Unruh was Speaker, Moretti was viewed by many as an Unruh protege and a candidate to succeed Unruh when he sought higher office. Although Moretti did not seek the post of Democratic leader when Unruh vacated it to campaign for Governor, but remained as chairman of the Governmental Organization Committee, he did not forfeit his position as one of the Democratic leaders. He clearly intended to be the leading contender for the office of Speaker if the Democrats regained control of the Assembly.

Power Politics

Speakership races are not popularity contests, to which many who supported Jess Unruh can attest. It is usually the ability to perform as an effective mobilizer of political power which legislators expect to find in their speakership candidates.

Moretti started his speakership campaign early in his legislative career when he became, in his second term in office, chairman of the important Finance and Insurance Committee which controls legislation vital to the state's commercial community. Because of its relation to lobbying interests, it is known in capitol circles as a "money" committee. When the Republicans took control he succeeded in getting the chairmanship of another important "money" committee, Governmental Organization, which passes on important horse-racing legislation. Like Unruh before him, Moretti was able through his chairmanship of these commitees to direct campaign funds into key legislative races.

(Continued on page 322)

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Looking for Blood in the State Turnip

In preceding issues, California Journal *has presented a discussion of the current crisis in local finance as viewed by city officials, school administrators and county government. This fourth and last article presents the viewpoint of state officials and outlines several ways in which the state may respond.*

Addressing the League of California Cities in late October, Legislative Analyst A. Alan Post delivered this message regarding the financial problems of local government:

> If there is one simple message . . . it is that while legislators and state officials are keenly aware of the growing plight of the cities, their growing expenditures and their lagging revenues, the state is suffering from the same ailments. One of our biggest problems at the moment is how to cut state costs to meet deficient revenues without pushing that burden down onto local government. We certainly don't want to do that. At the same time, we aren't in any position to encourage big new handouts of state funds to bail out local government.

Although Post's message was directed specifically at city government officials, it was intended as well for school and county officials. The facts, as detailed by Post, are difficult to ignore. Over the past four years the state has sharply increased its flow of funds to local government, but now the state itself is facing severe financial problems, and there is little prospect that local government will receive additional assistance in the coming year without a major tax increase.

Facts of Life

Fact number one is that since 1966-67 state expenditures have increased more rapidly than local expenditures. The average annual growth rate for the state's General Fund has been 12.8 percent against average annual expenditure increases of 6 percent for California's cities, 9 percent for the counties, and 9 percent for all school districts.

The second important fact is that the most rapidly increasing item of state expenditure during this period has been local assistance. As Post has pointed out, the cost of state operations financed from the General Fund has increased by $426 million, or 40 percent since 1966-67, while local assistance expenditures, which account for two-thirds of General Fund costs, have gone up $1,470 million or 77 percent. Post's figures indicate that the five program areas primarily responsible have been, in order of importance, the public schools, welfare, property tax relief, health care, and mental hygiene.

In all probability, the increase in local assistance costs would have been even greater had there not been a significant slowdown in public school enrollment growth over these four years. The increase in school support during this period largely represents an effort to partially offset the impact of inflation on school costs. In the areas of welfare and health care (Medi-Cal), on the other hand, rapidly increasing caseloads have been the principal factor behind the sharp rise in state costs.

MAJOR INCREASES IN STATE LOCAL ASSISTANCE EXPENDITURES
(In millions)

	1966-67	1970-71	Increase Amount	Increase Percent
Public schools	$1,215	$1,753	$ 538	44%
Welfare	360	688	328	91
Property tax relief	0	312	312	—
Health care	252	485	233	92
Mental hygiene	19	72	53	278
	$1,846	$3,310	$1,464	79%

Property tax relief for homeowners, renters, senior citizens, and business represents a new state program which in only two years has become one of the largest items of state cost. It would be even larger had the Governor's tax program passed the 1970 session of the Legislature.

State Deficit

As a consequence of these and other increases, the state is faced with the prospect of a General Fund deficit of some $500 million for 1971-72 unless state tax revenues are raised accordingly. This year and last the state was able to offset current deficits by spending down its accumulated surpluses and juggling special funds for one-time transfers.* There is no possibility of doing this again in 1971-72. The surpluses are all gone.

The state's problem is compounded by the continuing sluggishness of the economy, rising unemployment coupled with rising prices, and the failure of state revenues to keep pace with government costs. The "cut, squeeze, and trim" policy of the Reagan administration, moreover, has gone about as far as it can go with respect to state operations. Any further cuts of major consequence will probably have to come from assistance to local government.

Alternative Policies

There are then two basic questions which the Governor and the Legislature will be called upon to answer at the 1971 session: (1) should state revenues be increased in an amount sufficient not only to meet the current level of state program costs but also to provide some increase in local assistance and (2) if so, what form should the increase in local assistance take?

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*Subsequent to this writing, Governor Reagan announced an estimated deficit of $150 million for the current fiscal year which will have to be offset by sharp cuts in current spending.

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If assistance to local government is to be increased there are four basic forms it can take:

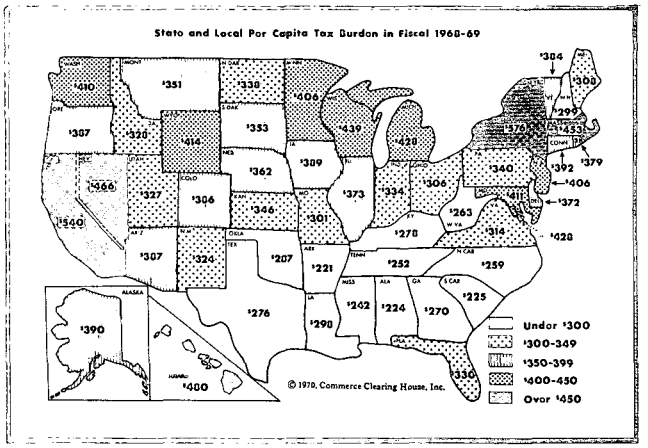
- Full financing of the existing programs in which there is a state-local partnership, including the public schools, welfare, health care services and mental health programs. Such additional financing would probably take the form of cost-of-living allocations intended to offset rising unit costs as well as increases in workload and caseload.
- Additional "tax relief" in which state tax revenues are substituted for local tax revenues in the form of offsetting payments to local jurisdictions for statutory reductions in property and other taxes. This is the form which much of the increase in local assistance has taken in the past few years, and it was the major element in Governor Reagan's unsuccessful tax program last year. Alternatively, such revenue sharing could take the form of an increased delegation of tax authority to local jurisdictions.
- Improvement in the equalization of the tax burden throughout the state by establishing a basic statewide property tax. Existing disparities and inequities in the property tax burden between communities with high assessed value to service ratios and those with low assessed value to service ratios could be substantially reduced if a basic statewide property tax rate were established and the revenue redistributed on a service workload basis.
- A restructuring of the public service responsibilities of state and local (and the federal) government, assigning to each level the program administration and finance responsibilities which it is best equipped to handle.

The recent history of state fiscal policies suggests that there is little likelihood that the state will agree to what local officials may regard as full funding of state-local programs. In major areas of expenditure in which the state has a large financial stake but little or no budgetary authority, the state almost always relies upon a policy of underfinancing to protect it from the real or imaginary danger of local extravagance. This is particularly true in fields such as welfare and education in which there are certain to be disputes as to what constitutes efficient operation. As Jack Merelman of the County Supervisors Association says, "Every time a state subvention program is set up it's an invitation to fight."

But there is evidence that both sides have become weary of this fighting. As a consequence, property tax "relief" in the form of exemptions or rate reductions for senior citizens, homeowners, renters, and business became popular with the Governor and many legislators in the last half of the 1960's. Unlike increases in program subventions, state financed property tax reductions were expected to be highly visible to the voters, who would, of course, feel grateful to the Governor and the legislators who granted them that tax relief.

Obstacles to Tax Relief

There are, however, several major snags in this approach. First of all, most local taxpayers are aware that they are also state taxpayers and that in the end they must pay for local tax relief through increases in state taxes. Thus a sharp increase in property tax exemptions may come only at the cost of a one-cent



According to the most recent state-by-state comparisons of total state and local taxes per capita, California ranks a close second behind New York with total 1968-69 tax revenues equal to $540 per person. These data also indicate that between them, New York and California account for 25 percent of all state and local tax revenues in the U.S.

increase in the sales tax. Second, state officials begin to see such tax relief as a bottomless pit: the more they ease the local tax burden, the faster local agencies move to take up the difference with higher tax rates for local programs. It was this problem which led to the abortive effort in the Governor's tax program last year to establish effective expenditure ceilings for school districts, cities and counties as the price for tax relief.

A third difficulty with tax relief in this form is that as it grows it drains off available state revenues and steadily reduces the state's ability to meet its own costs. Tax relief with no state tax increase means that funds must be drawn from higher education, corrections, agriculture, parks and other areas of primary state interest. Tax relief paid for by an increase in state taxes means that the state must give up potential revenue that it may not need for its own purposes immediately but which it will certainly need in a very short time.

Statewide Equalization

Property tax relief in the form of a statewide property tax (to provide greater equalization of the existing tax burden) has long been an attractive approach to many school administrators and to some state officials. Present inequities in the property tax burden are in large part a consequence of the fact that district boundaries have not been drawn so as to equalize tax paying ability. The range of taxable assessed valuation behind each school child at the elementary level, for example, runs from a high of more than $1 million to a low of less than $200. A basic statewide property tax which would reallocate property tax revenues on the basis of school enrollment would make very large sums available for "low wealth" school districts and force "high wealth" districts to make a tax effort more nearly equal to that of other districts.

Unfortunately, this has never been popular with relatively high wealth districts such as the San Francisco Unified School District, and a proposed statewide property tax for schools has been easily defeated in the Legislature at each of the past three sessions.

(Continued on page 325)

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Welfare Conformity Merry-go-round Continues

As the months pass it becomes more and more a challenge to keep abreast of the latest developments surrounding the state welfare "conformity" issue. Never a simple matter, it has become increasingly complex as the Legislature, the Governor, the U.S. Department of Health, Education and Welfare, the courts, and various private and quasi-public agencies and organizations have all become involved. It may be helpful, therefore, to review the principal events of the past several months.

Federal Law

Federal law governing subventions to state welfare programs requires that payment schedules for Aid to Families with Dependent Children (AFDC) be periodically increased to keep up with increases in the cost-of-living. A state need not actually pay out the full amount of the adjusted schedule of maximum payments, however. It may elect to make a "rateable reduction" in its actual payments; that is, it may pay out across-the-board some percentage (75 percent, for example) of the established schedule.

California's schedule of AFDC payments has always been among the highest in comparison with other states, but it has not been adjusted for cost-of-living increases since 1957. Thus, it is not in "conformity" with federal law, and by the strictest interpretation of that law California should not be receiving the $400 million dollars in federal matching funds for AFDC which it will get and distribute this year.

During the 1970 session of the Legislature, Assemblyman Gordon Duffy, Chairman of the Assembly Committee on Health and Welfare, carried a bill, AB 1360, which would have raised AFDC payments in compliance with the federal requirements. The bill, which carried a number of other provisions intended to make it palatable to the Governor, passed the Assembly and the Senate. But it was defeated on the last night of the session in the Senate which refused to concur in a conference report intended to resolve differences between the two houses (see *California Journal,* April 1970, page 99).

Court Order

The next action came on September 10th when U.S. District Judge Alfonso J. Zirpoli ordered the state to adjust its AFDC payment schedule immediately to "reflect properly the increase in the cost-of-living in recent years." If it did not, the judge said, California should lose the federal matching funds. This ruling came in response to a suit filed by the San Francisco Neighborhood Legal Assistance Foundation on behalf of a San Francisco welfare recipient. The ruling gave the state 60 days to act.

Then in October, in a separate but closely related action a federal examiner from the Department of Health, Education and Welfare (HEW) ruled that California was in fact in violation of the cost-of-living provision and several other federal requirements and, following the letter of the law, stood to lose its federal matching funds unless it took the necessary steps to meet federal requirements. The state was given 20 days to file exceptions to the examiner's opinion or to propose remedial action.

Governor Reagan immediately attacked both rulings, calling them "absurd and utterly ridiculous", and said the state would appeal both — the court's ruling in the Appellate Court and the HEW examiner's ruling in the office of the HEW Secretary. In the Governor's opinion, the ordered increase in the AFDC payment schedule was no more than a "bureaucratic ritual" inasmuch as the state could, (and would if required) simply apply a "rateable reduction" to determine actual payments. This would result in increased payments for some recipients and reduced payments for others without changing total grants. "We're going to fight this if we have to secede," the Governor said.

Counsel's Opinion

According to an opinion issued by California Legislative Counsel, however, the matter was not quite that simple. Rateable reductions in the payment schedule, said the Counsel, can only be made either by changing the state law or by adopting emergency regulations after HEW finally rules that the state is not complying with federal requirements. A rateable reduction, according to this opinion, cannot be made by the state administration in the absence of such a ruling. Therefore, the only way the state can respond to the U.S. District Court ruling pending a final unfavorable ruling by HEW (and until the Legislature meets and acts) is by actually increasing AFDC payments.

Disregarding this opinion, the Reagan administration announced on November 17 that it would satisfy Judge Zirpoli's decision (pending appeal) by raising the AFDC payment schedule by 21 percent but also applying a rateable reduction of 26 percent to the new schedule, thus paying out only 74 percent of the revised need schedule. This, according to Human Relations Agency Secretary Lucian Vandegrift, would mean increased payments averaging $20 for some 252,000 AFDC families and reductions averaging $54 for about 172,000 families, with no net change in total grants.

As soon as this new regulation was filed with the Secretary of State, in fact before it had been filed, the San Francisco Neighborhood Legal Assistance Foundation obtained a court order from Sacramento Superior Court Judge William N. Gallagher temporarily enjoining the state from putting it into effect. The order was obtained on behalf of the California Welfare Rights Organization on the grounds that the state could not alter state law by an administrative ruling, just as the Legislative Counsel had advised. The court order was eventually extended until December 4th at which time state officials will have to show cause why it should not become permanent.

Coming Attractions

As things now stand, the following events are scheduled: on December 4th, Superior Court Judge Gallagher will hear the state's arguments in support of its proposed new regulations; on December 5th, the federal Department of HEW will issue a "final" ruling as to whether or not it finds California out of compliance with federal law and therefore ineligible for federal aid; sometime after December 22nd, U.S. District Judge Zirpoli will rule whether the Reagan administration's new regulations will meet federal requirements; and on January 4th, a Democratic controlled Legislature will convene in Sacramento to begin what will surely be a long and bitter battle between the Legislature and the Reagan administration to resolve this issue.

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New State Planning Office Charts Course Through Troubled Waters

Amid the charges and counter-charges exchanged by conservationists and legislators over the contribution made by the 1970 Legisalture to the cause of protecting the environment, one important bill was passed which was given scant attention by either group. The new law, which went into effect this month, abolishes the State Office of Planning and establishes in its stead a new planning office within the Governor's office.

In pursuit of the goal of more effective state planning, the Assembly Select Committee on Environmental Quality adopted the suggestion which has been made in a number of prior studies, that planning should be an integral part of executive branch management, and under the Governor's direct supervision. Beyond that, however, the committee attempted to provide a more definitive mandate for planning by spelling out the need to identify high priority forms of land use and to develop programs to preserve them. Lands and waters which meet the following criteria are to be included in a priority system:

- Areas of outstanding scientific, scenic, and recreation value.
- Areas which are required as habitat for significant fish and wildlife resources, including rare and endangered species.
- Forest and agricultural lands which are judged to be of major importance in meeting future needs for food, fiber and timber.
- Areas which provide green space in and around high density metropolitan development.
- Land required to provide needed access to coastal beaches, lakeshores, and riverbanks.
- Areas which require special development regulation because of hazardous or special conditions, e.g., earthquake fault zones, unstable slide areas, flood plains, watersheds.
- Areas which serve as connecting links between major public recreation and open space sites, e.g., utility easements, stream banks, trails, scenic highway corridors.
- Sites of major historic or cultural interest.

State planning has been a disappointment to conservationists, and the select committee's terse criticism of the existing State Office of Planning simply notes that the office has been "unsuccessful in carrying out the intent of the Legislature with respect to its planning functions." The legislative intent which the Committee refers to was enacted in 1959. At that time the administration of Edmund G. Brown, then newly-elected Governor, was ushering in varied programs for restructuring state government. In response to a growing awareness of the need for state action to develop planning goals, the Legislature decreed that a state plan for the most desirable use and development of land resources would be formulated.

Almost a decade later, and after an expenditure of $4 million, the State Development Plan Program was presented. To those who expected a plan of action, the disappointment was convincingly expressed in a *Cry California* editorial, "The Life and Death of State Planning." The essence of that editorial was that effective state planning did not survive the trauma of its birth. In a rebuke of the editorial, Caspar W. Weinberger, then Director of Finance for the Reagan administration, contended that state planning was not dead. But in his defense of state planning he offered a convincing catalogue of those barriers which make it extremely unlikely that anything resembling state planning will emerge from the existing political environment:

> The idea that a large state such as California with its several departments in state government, many with development-related programs, along with 59 counties, over 400 cities, and almost 3,700 special districts — each of the latter with varying responsibilities in the area of development — could undertake the "blue-printing" of statewide development and planning for all these vastly different governmental organizations, is patently absurd. Such a theory ignores the basic physical, social, economic, and political facts which are inherent in such complicated inter- and intra-governmental relationships. It also fails to consider the interests and capabilities of the independent and private sectors who have much to contribute.

Aside from his defense of the State Development Plan Program and his assertions that the Reagan administration shares the "commitment of the cause of conservation," Weinberger was not at all clear on exactly what the state can do. All that appears in his statement is the unsubstantiated contention that the continuing process of planning has been made an integral part of the administration, and an even more general expression that somehow "the people of California will succeed . . . given sufficient accurate information far enough in advance, which is one of the things the state can and should provide."

By moving the planning function into the Governor's office and updating the legislative mandate, the select committee hopes that something can be salvaged from the investment in the State Development Plan Program. The committee's report points out that "the current state development plan emphasizes the necessity for statewide land use policy but does not set forth such policy or identify the geographic areas for action." To accomplish this objective, the committee recommended that existing data on classification of land resources and population distribution be analyzed and synthesized into a "statewide system" so that it will be possible "to identify high priority areas and to develop 'crash programs' to preserve them, using the full fiscal, regulatory, and other powers of state government."

Will new enthusiasm about the need for a statewide system of planning have any significant impact?

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INTERVIEW

George Milias: Legislating for the Environment

Assemblyman George Milias, Chairman of the Assembly Natural Resources and Conservation Committee and the Select Committee on Environmental Quality, is ending eight years of Assembly service, having given up his seat to run unsuccessfully for Secretary of State in June. The following interview, edited to fit these pages, was conducted November 23rd.

California Journal: You were first elected in 1962 when Republicans began to try to put together the effort to get back control of the Legislature through the celebrated Cal-Plan. What happened on the way to reapportionment?

George Milias: I think that what happened this last election was not surprising because in many respects the Republicans had garnered just about every seat, plus three or four extras, that they had, in all reality, no right to win. When there was a slight downturn in Republican strength these seats eroded away as they had eroded out from under the Democrats during the prior period.

Any kind of a reapportionment plan that is drawn up this next time can't do anything other than help the Republicans to some extent because you can't reapportion the state as it has been reapportioned in the past after the recent court decisions. I think that rock bottom was hit in 1960.

Journal: Are you saying that the Republicans could at least maintain their present number of seats in the Senate and Assembly and possibly gain more seats after a Democratic reapportionment?

Milias: There are a number of curbs on what can happen. Due to the court decisions, changes in population, and location of the new seats—the new seats will occur in Orange County, San Diego, Santa Clara and you can't split up the pie in those areas with a new reapportionment—I don't think it's possible to help the Democrats other than to leave them in the positions of holding the strength they now have.

Journal: Does that mean a Cal-Plan approach is obsolete?

Milias: Actually there's never been any magic in what we call Cal-Plan. It's just a question of raising money and putting professionals in the districts to help candidates, with some emphasis upon the selection of attractive candidates. I think the first two aspects have worked pretty well. I don't think that we have always come up with the attractive candidates. But I don't think there is really any magic to it. Either party can operate its version of the Cal-Plan to save seats. It will go on in one form or another, regardless of what it is called.

Journal: The aspect of Cal-Plan that I was referring to is the goal of controlling reapportionment. Your analysis of the ability to affect the composition of the Legislature through reapportionment suggests that the basic purpose of Cal-Plan is questionable.

Milias: That was a real rallying point. But I think what actually happened is that the Cal-Plan was reasonably successful in that it did bring about enough Republican strength in the Legislature so that any way you cut the deck this reapportionment is going to have to be mutually worked out. Whether the Republicans narrowly controlled it or whether the Democrats narrowly controlled it, with incumbency what it is in respect to drawing new lines, I don't think that either party would have been hurt much one way or the other. It is virtually impossible to reapportion the state and hurt the Republicans. It's the two-glass theory. If you pour water out of one glass into another, it will hold just so much, and due to the courts, these districts have to be equal.

Journal: 1970 was trumpeted as the year of the environment. Do you have any feeling as to why this issue suddenly emerged as a much more important issue than it had been in earlier years?

Milias: The environment issue was like an iceberg. It had been there for years but most of it was not visible. There was a tremendous body of public opinion that had been growing and growing until all of a sudden it was just enormous. Then a few things happened. There was the Santa Barbara oil spill. Some of the more literate individuals began to come out with publications like the *Population Bomb*. You had quite a bit of talk about pesticide problems and DDT in fish and other wildlife. All of a sudden people got very, very uptight about the environment, and that's why it became a big issue in 1970.

Journal: It seemed that for many years Democrats were identified with the environmental issue, but in 1970 it was a Republican governor and a Republican speaker who sought to take the initiative on the environmental issue. How does partisanship relate to the environmental issue?

Milias: Well, in the first place, I don't really think it is partisan. If I might do a little personal horn tooting, I would like to take credit for making some of the people in the Republican Party aware of the environment issue. I have had numerous discussions along these lines with the Governor and the Speaker and others.

Secondly, if you study the make-up of some of the big conservation organizations, at the top leadership level you find strong representation by people in both parties. So I have always said that it is not a partisan issue, it stands on its own. It is certainly to the disadvantage of the issue to try to make it a partisan thing. The Natural Resources Committee put out a lot of bills that were carried by Democrats, and the Governor signed a lot of conservation-oriented bills that were carried by Democrats. I instructed my staff

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to operate on a bipartisan basis. A bill was a bill; it wasn't a Democratic bill or a Republican bill. We did a pretty fair job of that.

Journal: Conservationists assessed the 1970 session as a disaster on the environmental issue. Do you agree?

Milias: No, not at all. I think the only way you could come up with that opinion would be if you thought that you were going to come to the Legislature and solve the whole problem in one term, go home, and that would be the end of the environmental issue.

Anybody who has been around the Legislature knows that sometimes you get a bill through one house one year and the next year with that behind you, you can concentrate on the other house and get past both houses, and then hopefully it is signed by the Governor. I have even seen situations where you get a bill through both houses, then maybe get a veto by the Governor, and then have to do it all over again and lobby the Governor to try to get him to sign it the second time around. So I don't think that it was an environmental disaster at all. Lots of things passed; lots of things were signed by the Governor.

Hugo

Almost all of the important legislation was passed by the Assembly. I consider that 50 percent of the game. Now the conservationists should come to the next session of the Legislature and simply work hard as hell on getting these bills through the Senate. I think if they do that, they can.

They sometimes have a tendency to become single-issue oriented. That means that only one thing is uppermost in their minds during the legislative session, and this is all they can handle. Maybe they can push one item through but then they consider everything else is a disaster because, even though they may have gotten the big prize, they wanted ten other things. It just isn't the name of the game. You have got to figure out what you really want to work on, how many troops you have to work on it, and then see what you can get. I think that since all the important bills got through the Assembly it is entirely possible to come back and finish it up this next session. They shouldn't proliferate to the point where 50 bills are of vital importance to them, because the thousands and thousands of supporters that they have cannot be very well marshalled to do a real political job. They are loosely-oriented groups and so they are not capable of handling a multi-issue push. Nor, for that matter, is anyone else.

Journal: You think they may have been too optimistic in 1970?

Milias: Well, I think they felt everything would move too easily. Maybe they also had a little false sense of security because we were able to get most of their stuff through the Assembly without much trouble. They may have figured it's going to be just as easy on the other side. Then their opponents ganged up and just cut them off at the pass in Senate committees.

Journal: How would you advise the conservationists in selecting their priorities for this coming sesssion? What should the priorities be?

Milias: I think that the priorities should be coastline control and more tightening up of the smog and air pollution regulations. I think those are the two big ones.

Journal: So far no environmental legislation has come anywhere near reaching the level of investment the state has reached in its highway system and the state water project. Why is it that we have not really proposed the kind of massive effort and the infusion of funds into the environmental area that we have in some of the other problem areas?

Milias: I think basically just because funds are so darn scarce and you are talking about money. Actually, Proposition 1 will inject $350 into combating water pollution and Proposition 20 will plug $60 million into recreation and fish and wildlife enhancement. Assemblyman Briggs' bill, which made it through our house, had a massive amount of money in it, but it was killed in the Senate. This was a bill that would have taken the federal excise tax on automobiles and transferred it to the state. You see, the federal government removed this tax with the thought that the state would move into the field and take over the tax. Well, the automobile group, the automobile lobby, was too powerful and killed it in the Senate.

Journal: None of these approaches has yet taken the tack that the people are willing to pay for environmental protection — that we might be willing to invest a good deal of money in preserving open lands, for example. The theory has been expressed that people are not willing to make that kind of sacrifice.

Milias: It is my firm opinion that they are, and I base that upon the passage of Propositions 1 and 20. In a year when all over the state you can find numerous examples of other types of bond issues failing, both of these went through like gang-busters. I think this is evidence.

If you cannot get this sort of thing through the Legislature maybe the way to get the funding is for some of the conservationist groups to sponsor an environmental bond issue and put it on the ballot two years from now. They could make a big push for what they need and sell it properly, and, it appears to me, it will sell.

Journal: Doesn't the rejection of Proposition 18 conflict with that assessment?

Milias: Possibly so, but I think that 18 was actually a little too complex to sell with the amount of money they had. If the supporters of Proposition 18 would have had a little bit more money to get their story across, I don't think it would have failed. Moreover, they stressed the smog research aspect of it a lot more than the rapid transit, although maybe they figured that was the way to do it. I think rapid transit would have sold a lot quicker.

Journal: There have been rumblings that there is going to be some reorganization in the administration in the resources area and that you may be taking a position with the administration next year. Is that accurate and if so . . .

Milias: I would not want to comment about any reorganization plans because I just don't know anything about them, but it is no secret that I would hope to be with the administration next year.

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WHAT THEY DID *(Continued from page 304)*

Senator John McCarthy, won only a slim 6,000 vote victory over Democrat Michael Peevey. These results suggest that the Democrats have begun to find the kind of candidates who can attract independent and moderate Republican votes in the Bay Area suburbs.

Republican Losses in Assembly

The campaigns for the State Assembly, traditionally a more volatile house, led to startling reverses for the Republicans and a surprising comeback for the Democrats. Among the conclusions to be drawn is that the seemingly unalterable drift of the electorate to the GOP appears to be at an end in Southern California.

In the Assembly's biggest upset, first-term Republican Henry Arklin was defeated by Jim Keysor, a businessman from Granada Hills, by almost 5,000 votes. Republican advisors considered Arklin to be safe, but the fickle 41st District instead elected its third new assemblyman in the past three general elections. Although Keysor's victory was the only reversal the GOP encountered in Los Angeles County, several other contests produced keen disappointment for them. Democrats Harvey Johnson, Larry Townsend, and Walter Karabian won their largest victories, although targeted for defeat by Cal-Planners late in the campaign.

More surprising, however, were the slim victory margins of such previously solid assemblymen as William Campbell of Hacienda Heights, Floyd Wakefield of South Gate, Charles Conrad of Sherman Oaks, and Paul Priolo of Santa Monica.

In the 64th District, Republican Robert Cline won a very close race with Fred Ball to succeed the late Patrick McGee in what has been a safely Republican district. Elsewhere below the Tehachapis, Democrats Ken MacDonald of Ventura and Ken Cory of Garden Grove, considered the two most vulnerable legislators by many political technicians last summer, won re-election despite relentless Republican opposition. Both men, who had faced the same opposition in 1968, improved their winning margins significantly.

San Diego Indictments

The indictments of eight public officials in San Diego apparently sealed the fate of Republican Assemblyman Tom Hom. Charged with bribery and conspiracy too late to be tried before the election, Hom, a first-term incumbent, was never able to recover. Democrat Peter Chacon received 55 percent of the vote in the marginal 79th District.

Democrats received one of their greatest disappointments in the Riverside-Imperial County Assembly district vacated by Republican Victor Veysey. Their candidate, Susan Marx, eschewing outside help, was defeated by Republican Raymond Seeley, a Riverside County Supervisor, by 2,000 votes. Veysey had won by 26,000 in 1968.

In coastal districts, two young Democratic Assembly aspirants exhibited strength that will probably win them their party's renomination in 1972. Ken Palmer fell only 1,600 votes short of first-term incumbent W. Don MacGillivray in Santa Barbara. Along the North Coast, Barry Keene of Santa Rosa, like Palmer a former legislative staff aide, came within 4,000 votes of dislodging veteran Republican Frank Belotti of Eureka. Both young men hope to follow the trail blazed by Ken Meade of Oakland who defeated Republican caucus chief Don Mulford by 13,000 votes in his second try for the 16th Assembly seat.

Another victory for the Democrats occurred in the Stanislaus-San Joaquin County district which went to Republican Clare Berryhill in a special election in 1969. Ernest LaCoste, aided by a successful registration drive, won by 1,700 votes after losing by 50 in the prior race. This time, an American Independent Party candidate took 1,600 votes; adding the AIP and Republican vote together, La Coste won by only 52 votes over his combined foes.

San Jose's twenty-fifth Assembly district returned to the Democratic column after electing Republican Earle Crandall to two terms. Alister McAlister, a moderate Democrat, running as did LaCoste under the tutelage of San Francisco Assemblyman Leo McCarthy, won by 8,000 votes.

The GOP did take a traditionally Democratic seat in the city of Fresno. Attorney Ken Maddy walloped City Councilman P. J. Camaroda by 12,000 votes to assume the seat held by Senator-elect George Zenovich. Maddy had the backing of the *Fresno Bee* and a large portion of the liberal community. And despite Democratic attempts to win "a sleeper" in Kern County, Republican Kent Stacey was re-elected. He received 55 percent of the vote in his race with Bakersfield councilman Robert Whittemore.

HOW THEY DID IT *(Continued from page 305)*

and actually staffing and directing campaigns in key districts in the final weeks. Republican staff were not idle during the campaign, but for the most part they pursued their more accepted duties as developers of legislative policy for the majority, leaving most of the campaign work to the state central committee's sizeable paid staff.

- Another factor not to be minimized is the fact that at least one chairmanship of a committee which is important to lobbyists was held by a Democrat who was able to use his position to guide major lobbyist contributions to fellow Democrats. Republicans raised money from the same source, of course, but equal amounts of money were more important to impoverished Democrats than to well financed Republicans.
- Finally, one policy issue seems to have been a major factor. Only in the last month or so of the campaign did it become clear that unemployment and inflation were disturbing the voters. Republican Mike Donaldson, defeated in a bid for Congress by incumbent Glenn Anderson in Los Angeles County, conducted a poll the day after the election. On the basis of that survey, he believes that the state of the economy was the decisive issue in his race. Bill Roberts of the Spencer-Roberts campaign management firm says that they could chart the growth of the economic issue as the campaigns progressed. He believes it was one of the chief causes of the defeat of Senator Murphy. And unemployment definitely produced anti-incumbent and anti-Republican votes at the state and local level as well.

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California's Court System: Issues and Structure

During recent years, serious doubts have been raised concerning the ability of the courts to administer our present system of justice. These questions have come from the right, left and middle of the political spectrum and have caused students of the law to take a closer look at the structure of the judicial system.

Critics have called for a number of reforms, including reduction of delay and congestion in the courts, better methods for selecting judges, reform of the jury system, reduction of the cost of legal services, and reassessment of the procedures for maintaining order in the courtroom. The most important of these questions and proposed reforms as they pertain to California's state court system are summarized here briefly.

Delay and Congestion in Courts. The backlog of cases crowding judicial dockets and the delays accompanying most litigation have become serious problems in California as elsewhere. For example, in civil suits three to eighteen months may elapse between the filing of a complaint and trial, and a subsequent appeal may take several years. The volume of automobile accident cases, weak administration, inefficient uses of judicial time and resources within the court system, and dilatory tactics employed by lawyers cause much of the delay, but the problem has been made more acute by the rapid growth in the state's population and in the frequency of litigation of by the increasing frequency of litigation of disputes.

To reduce the backlog of cases and to expedite litigation, it is most frequently recommended that new courts and new judgeships be created to handle the increasing volume of cases. It has also been suggested that structural changes be adopted, such as the elimination of automobile accident cases from consideration by judge and jury and the creation of a special commission similar to the Industrial Accident Commission to deal with such cases. Still other suggestions involve making more efficient use of the judicial personnel and facilities already in existence.

The Judicial Council has done much to streamline court procedures in California and to allocate the workload throughout the state. For example, the Chief Justice, as chairman of the Council, now has authority to transfer judicial assignments temporaraily within the court system when overcrowded dockets or vacancies create a special need. The Judicial Council also carries on a continuous study of the work of the courts, recommends and sometimes decrees procedural improvements, and recommends to the Legislature constitutional and statutory changes which are expected to improve the administration of justice.

Delay is not as much of a problem in criminal cases, but the large volume of cases handled by criminal courts has resulted in what many have called the "mass production of justice." There has also been criticism of the proportion of court time spent in dealing with narcotic addicts and alcoholics whose problems are predominantly medical rather than legal and suggestions that these "crimes without victims" be shifted from regular courts to newly created special courts.

Quality of Judges. Another continuing problem is that of securing judges who are well qualified and who will command the respect of the communities they serve. Presently in California, judges at all levels are formally chosen by direct election on a non-partisan ballot, but the electorate actually plays only a minor role in the selection of judges. In practice, the great majority of judges first get their seats through appointment by the Governor, who fills vacancies caused by death, retirement, or the creation of a new post. Even those judges who get their seats by direct election are first nominated by the Governor with the approval of the Commission on Judicial Appointments and then run for election unopposed.

It is debatable, of course, whether a judge is more qualified if he has been chosen by gubernatorial appointment or on the basis of his public appeal. Some critics would reject both methods and adopt a civil service method of selection.

The electorate has almost as little to say in the removal of judges as it does in their selection. Defeat in a popular election is rare despite the November 3rd defeat of Superior Court Judge Alfred Gitelson in Los Angeles. Recall is also available but is seldom employed, and impeachment, which requires action by both houses of the state legislature, if attempted has little chance of success. (See *California Journal,* June 1970, pages 174-5).

The creation of the Commission on Judicial Qualifications has done much to improve procedures for removal, however. This commission may recommend to the Supreme Court that a judge be removed or retired from office for misconduct, intemperance, laziness, or mental or physical disability. The commission has also functioned in a limited remedial role to correct lesser judicial offenses which do not justify removal.

Reform of Petit and Grand Juries. A number of criticisms have been leveled against the jury system in California. Petit juries, which sit in civil and criminal cases, have been attacked as unrepresentative of the community in make-up, arbitrary or illogical in their findings, and ill-equiped to assess the complex problems of contracts, medicine, and engineering that often confront them. In addition, the selection of a trial jury often consumes much of the court's time and contributes to the problem of delay and congestion.

Students of the problem have suggested reducing the availability of jury trial, especially in personal injury cases, which constitute the majority of civil cases filed. Alternative methods suggested for expediting jury selection include reduction of the number of required jurors from twelve to six and selection of juries by an informal process which does not require the presence of a judge. Still other suggestions involve improving the quality of juries by offering higher compensation and allowing fewer exemptions for professional men.

The grand jury is an entirely different body from the trial jury. A grand jury is empaneled in each county once a year with its members chosen by the superior court judges. Historically, the function of the grand jury was to bring indictments against persons suspected of criminal acts. This function, however, has been taken over in large part by the district attorney in each county, and most of the grand jury's time is now devoted to what are called "watch-

(Continued on next page)

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dog" activities, such as investigations of the conduct of public officials, the expenditure of public funds, and the functioning of local governments.

Grand juries are seriously handicapped in this function because of their lack of expert personnel and their short terms. Some experts believe the grand jury has outlived its usefulness and should be abolished. Others feel it still serves a useful function and should merely be reformed; for example, by establishing two juries in each county: one to serve a year-long term and to investigate the activities of public officials; the other to be called only as needed for unusual criminal cases. All other criminal indictments would be made by the district attorney.

High Cost of Justice. The high cost of obtaining legal counsel, trying cases, and appealing decisions operates to deprive persons having limited financial means of many of their legal rights. Attempts have been made in California to reduce such inequities in the legal system. For example, in criminal proceedings, legal representation is provided for indigents by the office of the public defender or through a system of assigning counsel from a list of private attorneys willing to serve as defense attorneys.

In civil matters, county legal aid societies and the federally financed California Rural Legal Assistance provide assistance and counsel to low-income persons. Also available in civil cases involving small amounts of money is the small claims procedure set up in the justice and municipal courts, a procedure which has the advantage of being both inexpensive and informal. No attorneys are present, regular court rules of procedure do not apply, and appeals are restricted.

Inequities in the system remain, however. Public defenders are generally overworked and do not have as much time to devote to each case as a private attorney. Assigned counsel are generally younger and less experienced than the opposing counsel and may have a tendency to devote more time to paying clients than to indigent clients. Indigent defendants are found guilty more often than more wealthy persons, and the penalties imposed upon them are generally more severe, perhaps as a result of less adequate counsel. Moreover, neither a public defender nor assigned counsel provide legal assistance prior to arraignment, the time at which bail is set. Wealthier persons can afford counsel as soon as they come in contact with the police, and they can afford to pay bail. Poor persons can do neither and often remain in jail prior to trial.

Services provided by legal aid societies are often limited by inadequate financing and staff and by pressure from local bar associations which want them to refuse to take certain cases. The small claims procedure, although designed to open the courts to poorer persons, is too often used against them by creditors and landlords pressing to collect money owed them. The poor person who is called to appear in the small claims proceeding is usually unfamiliar with the law and the rights and defenses available to him and by the rules of the proceeding is deprived of counsel to inform or protect him.

Maintaining Order in the Courtroom. The armed invasion of a San Rafael courtroom on August 7, 1970 has focused attention on another problem of administering the court system: that of balancing the inherent right of the court to maintain order and security during trial with the constitutional right of the individual to have a fair and impartial trial.

Traditionally, the means used by courts for maintaining order, has been the power to hold persons in contempt of court, which is punishable by fine and imprisonment. In recent cases, where criminal defendants have become unruly or otherwise have disrupted the course of judicial proceedings, judges have ordered them to be bound and gagged or removed from the courtroom entirely. Since the shooting of the San Rafael judge, however, courts are taking even more stringent measures to prevent interference with the court process. Some judges have said that they carry guns for all court appearances. Other courts are erecting physical barriers between judge, defendant, and spectators and conducting searches of all persons who enter the courtroom.

Serious questions have been raised by members of the legal profession concerning the fairness and impartiality of a trial conducted in a manner which treates the defendant as a crimial before he has been found guilty. Even the use of the power of contempt has been challenged because it is a means by which judges can silence lawyers defending unpopular or politically controversial clients.

Organization of California's Courts

Criminal Procedure: In a criminal case, the government, as plaintiff, brings charges in the name of the people of California against a person or persons accused of violating some public law. If the defendant is charged with a felony, that is, a major criminal offense carrying a sentence of one year or more in state prison, he will be tried in a superior court. If he is charged with a misdemeanor, such as a traffic violation or drunkenness, he will be tried in a justice or municipal court. If he is a juvenile, he will be tried in superior court according to special rules for juvenile offenders.

Civil Procedure: In a civil suit, the contestants are usually private individuals or corporations, although the state may be a party in certain instances. Generally, civil actions are brought to recover damages for a wrong committed, but actions may also be brought to compel or prevent performance of a specified act.

Appellate Procedure: Some appellate jurisdiction is vested in the superior courts. They may hear appeals from inferior courts, and in many of these cases their decisions are final. Most appeals from the superior courts go to the district courts of appeal, and for most litigants this is the court of last resort. However, if the case raises important questions of law in which the state as a whole may be interested, it may be appealed further to the state Supreme Court.

In limited classes of cases the district courts may be bypassed, and appeals from the superior courts involving the death penalty, equitable relief, or probate matters may be taken directly to the Supreme Court. The Supreme Court has the power to transfer cases to itself from the courts of appeal prior to hearing and also to transfer to the courts of appeal cases appealed to it from the superior courts, except cases involving the death penalty. Appeals may be taken to the Supreme Court of the United States from any state court if that court is the highest level state court in which a decision can be rendered and the case involves a "federal question".

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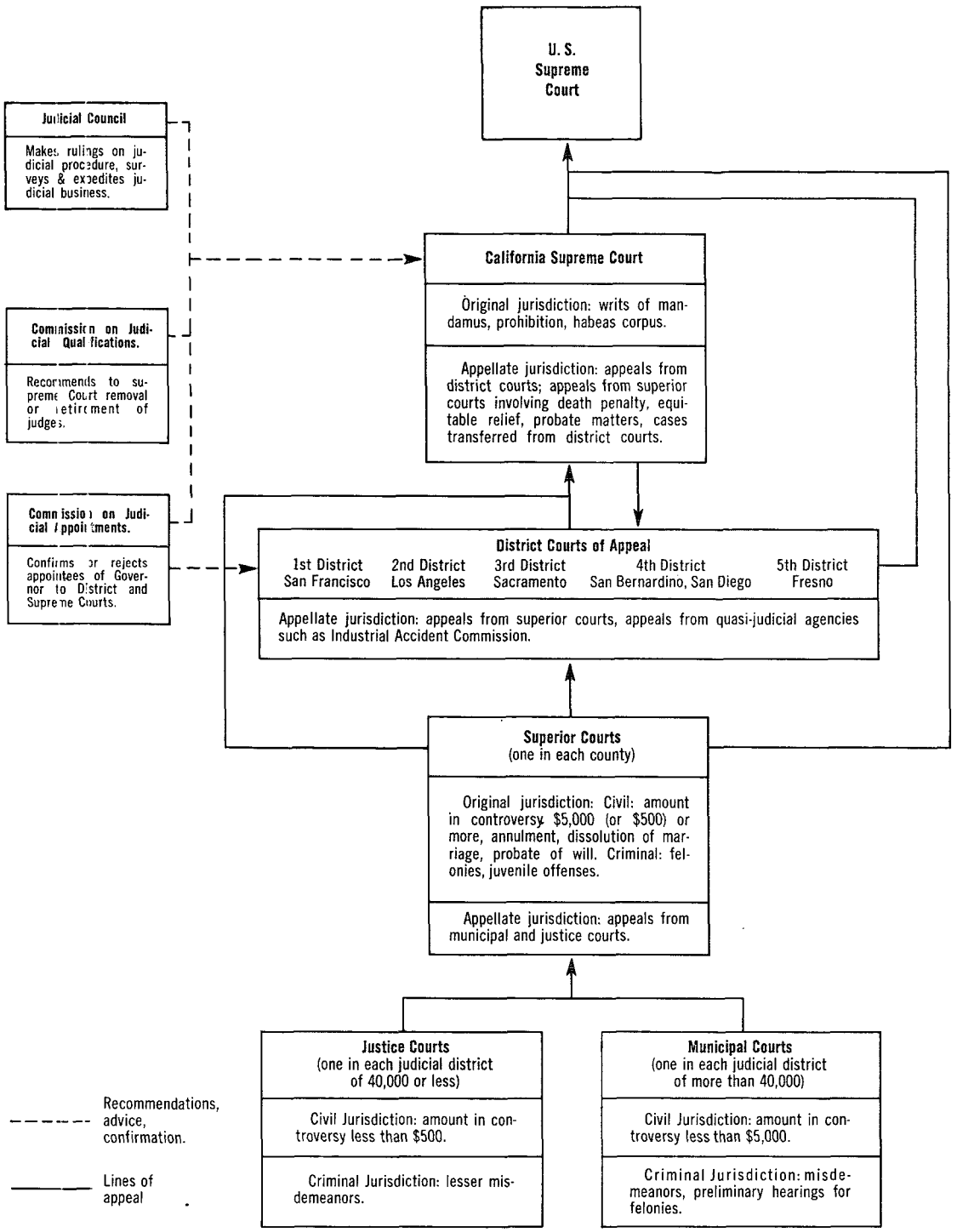
California's Court System

The constitution of the State of California provides that judicial power of the state is vested in a Supreme Court, Courts of Appeal, Superior Courts, Municipal Courts, and Justice Courts (Article VI, section 1). Provision is also made for a Judicial Council (Article VI, section 6), a Commission on Judicial Appointments (Article VI, section 7), and a Commission on Judicial Qualifications (Article VI, section 8).


U. S. Supreme Court
Judicial Council
Makes rulings on judicial procedure, surveys & expedites judicial business.
California Supreme Court
Original jurisdiction: writs of mandamus, prohibition, habeas corpus.
Appellate jurisdiction: appeals from district courts; appeals from superior courts involving death penalty, equitable relief, probate matters, cases transferred from district courts.
Commission on Judicial Qualifications.
Recommends to supreme Court removal or retirement of judges.
Commission on Judicial Appointments.
Confirms or rejects appointees of Governor to District and Supreme Courts.
District Courts of Appeal
1st District San Francisco
2nd District Los Angeles
3rd District Sacramento
4th District San Bernardino, San Diego
5th District Fresno
Appellate jurisdiction: appeals from superior courts, appeals from quasi-judicial agencies such as Industrial Accident Commission.
Superior Courts
(one in each county)
Original jurisdiction: Civil: amount in controversy $5,000 (or $500) or more, annulment, dissolution of marriage, probate of will. Criminal: felonies, juvenile offenses.
Appellate jurisdiction: appeals from municipal and justice courts.
Justice Courts
(one in each judicial district of 40,000 or less)
Civil Jurisdiction: amount in controversy less than $500.
Criminal Jurisdiction: lesser misdemeanors.
Municipal Courts
(one in each judicial district of more than 40,000)
Civil Jurisdiction: amount in controversy less than $5,000.
Criminal Jurisdiction: misdemeanors, preliminary hearings for felonies.
Recommendations, advice, confirmation.
Lines of appeal

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RILES *(Continued from page 307)*

than attempt to keep faithful conservative Republicans in line behind him. Brief forays into the "issues" of Communism and racism early in the fall campaign apparently netted him little and may, in fact, have thrown greater support to Riles.

As a consequence, by the end of the campaign, Riles had gained more than 100 newspaper endorsements, including several with a very conservative reputation and at least one, the *San Jose Mercury*, which switched from Rafferty to Riles after the June primary. Riles had also gained a large volume of endorsements, both publicly and privately, from Republican and Democratic Party leaders.

Unquestionably, a good part of Riles' success was owed to the fact that Rafferty had suffered from the loss to Cranston and was much more vulnerable as a consequence than all but a few had guessed. Rafferty had great difficulty in raising campaign funds (as did Riles, but less in comparison) and in securing favorable occasions for public appearances. And he found few politicians, even among the more conservative Republicans, who would come to his assistance.

For the Children

Against a background of widespread dissatisfaction with the public schools (possibly a stronger sense of dissatisfaction than that which had helped Max Rafferty gain office in 1962 over the opposition of the educational establishment), Wilson Riles campaigned, he said, "for the children." He made particular issues of what he held to be Rafferty' mismanagement of the Department of Education and the loss of confidence in Rafferty on the part of legislators and other state officials. Moreover, in a campaign year in which devisiveness was common, Riles emphasized a coming together of parents and educators to make real improvements in the schools throughout the state.

In this manner, Riles estabilshed an image as a strong, independent, nonpartisan candidate with well thought out views, a national reputation, and the will to succeed. The fact of his national reputation was given emphasis just prior to the start of the fall campaign when friends in Washington arranged for him to testify before a Senate subcommittee on education with all the attendant publicity. In the meantime, Rafferty found himself unable (and possibly unwilling) to mount a major attack on his opponent or the educational establishment. That decision forced him to remain on the defensive, a position for which he apparently had little appetite. And when it eventually became evident that his cool, reserved image would not be sufficient to stop Riles, there was little he could do to change course.

A Field Poll in early August showed Rafferty still ahead by a margin of 54 to 29, with 17 percent undecided. Mervin Field's figures indicated that Riles had not yet put the anti-Rafferty votes together, and that Rafferty was drawing enough of the Mexican-American vote to give him a majority. But the shift began almost immediately. By the time Field's California Poll went back to the voters in early October, Rafferty had slipped from 54 to 50 percent of the vote, and Riles had come up from 29 to 34 percent, with a large undecided bloc (16 percent) remaining. Riles had picked up a small lead among Democratic voters and had begun also to pull Republicans away from the incumbent. A few days later, a private poll announced by Riles indicated that he had moved to within 6.5 percentage points of his opponent.

Poll Shows Lead

Despite this trend, it was a surprise to everyone, including Mervin Field, when his poll near the end of October gave Riles a 43 to 42 lead, still with 15 percent undecided. According to Field, this was one of the biggest shifts his California Poll had ever recorded. But it proved to be accurate, as Riles continued his forward momentum, eventually receiving 54 percent of the vote.

Speculation as to the reasons for Riles' victory must include several items in addition to those already mentioned: the constant barrage of press releases issued by Greg Lipscomb who was assigned to the campaign by Sanford Weiner, the campaign's chief media advisor; the challenger's effectiveness in meeting Rafferty head-on in two public debates early in September; Riles' own sure instincts aided by Marion Joseph and Sandy Weiner as to how the campaign should be run; Riles' inclusion on the Democratic slate in Mexican-American precincts in Los Angeles; and Governor Reagan's apparent aloofness to Rafferty.

More important, probably, was Rafferty's failure over the years to use his post to deal effectively with major educational problems of the state, a failure which may, however, say more about the post than the man.

LEADERSHIP *(Continued from page 311)*

When Unruh announced his candidacy for Governor, he vacated his post of Minority Leader. Moretti supporters backed John Miller for the post as an avowed neutral and not as a candidate for Speaker. The next step was the creation of the campaign committee, which Moretti chaired, to raise funds and provide other forms of assistance in key Assembly races. These campaigns were all run separately from the statewide campaigns, although Moretti personally identified himself at a very early stage with John Tunney's candidacy for the U.S. Senate, a move which demonstrated his independence from Unruh and added to his reputation for political judgment.

After the November election results came in, Moretti's campaign for the speakership began in earnest. He immediately secured endorsements from a solid contingent of Democrats including, of course, those who had been helped in their campaigns by the Democratic campaign committee which he chaired. Knowledgeable sources estimate that Moretti's efforts during the spring and fall were responsible for raising $300,000 in legislative campaign funds.

Winning Strategy

The strategy of every candidate is to look like a winner, because the name of the game is to be on the right side of the speakership fight in order to reap the rewards of coveted committee assignments and leadership posts. The advantage goes to the recognized frontrunner who is able to approach each potential supporter with the clearly understood, if not explicitly stated, argument that those who give early commitments of support are the ones who are entitled to share the re-

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Reapportimment Rerun?

November 22, 1970

Gary Hart is a lean, intense, out-of-work high school teacher who in 1967 turned in his draft card as a protest against the Vietnam war and the following year campaigned for the presidential nomination of Sen. Eugene McCarthy. He is 27 years old.

Hart is, or ought to be, of interest to politically minded Californians, for he was in 1970 the youngest Democrat in California and among the youngest in the nation to seek and win a congressional nomination. Running from Santa Barbara, where he was once a high school student body president and football player, Hart received 40.4 percent of the vote against Rep. Charles Teague, a seven-term congressional veteran. Teague's margin of vitory was 40,000 votes.

Those who are disinclined to plow through election tables might be astonished to learn that Hart's distant showing was the second best performance of any Democrat running against a Republican congressional incumbent in California (Russell Miller got nearly 47 percent of the vote against Rep. William Mailliard of San Francisco). Worse still, examination of the 35 California districts in which an incumbent confronted the voters in November shows that only three challengers topped 40 percent of the vote against an incumbent. The only Republican loser to get above this figure was William Teague in Orange County.

The statistics are an undramatic demonstration of the ancient maxim, well understood in Congress and the legislatures, that the real two parties in our two-party system are the incumbents and those who seek to defeat them. This has been the central truth governing most California congressional reapportionments, and most notably the 1967 redistricting in which the state's House delegation congenially drew its own boundary lines. The congressmen are gearing up on both sides of the aisle to do it again.

The effects of an election in which defeat by 40,000 votes is a creditable showing are thoroughly predictable. The California congressmen, most of them in their fifties and sixties, return to Washington and dutifully take over their rungs on the seniority ladder below such luminaries as Mississippi's soon-to-be-80 Bill Colmer, the Rules Committee chairman, and Colorado's 74-year-old Wayne Aspinall, the Interior Committee chairman. But most of them will take no real role in partisan affairs in their own districts or feel the necessity of responding to the grievances of those on the periphery of the system. Many will work hard enough, some very hard, and most probably earn their $42,500-a-year salaries. But many of these congressmen, both the shirkers and the workers, will become dropouts from the political system in California—once the anticipated 1971 reapportionment extends their political existence halfway into infinity.

During the 1950's, when California's political districts were gerrymandered by a Republican legislature, Democratic congressional candidates regularly elected a minority of the state delegation with a majority of the vote. The reverse was true during most of the 1960s, following Democratic re-gerrymanders in 1961 and 1967. This last redistricting was based on the one-man, one-vote dictum, but this has proven almost as susceptible to manipulation as the old inelegant gerrymander that dumped most of one side's voters into an oversized district. The partisan gerrymanders have rarely obstructed the old game of protecting the incumbent at all costs, partly because the state's rapid growth has usually provided enough new seats to keep the partisans happy. The usual fate of incumbents has been to die in office.

Incumbents, quite naturally, see no reason to change this system, which has been around so long that congressmen tend to confuse it with the first beatitude. The more sophisticated incumbents are usually capable of invoking an academic argument showing that congressmen are freer and truer political creatures if they represent safe districts. (There is precious little in the voting records from California to prove this, but never mind.) The less sophisticated rely upon the hoary argument of seniority, which is in reality a better argument because Californians as a group have so little of it.

Democratic Rep. Phillip Burton of San Francisco, a reapportionment expert who is surrounded by hundreds of thousands of his fellow Democrats and miles of water, probably puts it correctly when he says that marginal districts are more beneficial for the country and safe districts more helpful to the state. One of the reasons this is so is that congressmen from such significant one-party states at Texas have a better opportunity to build seniority than do Californians. In other words, the incumbents in some other regions are even better protected than in California and have even less incentive to listen to their constituents.

It is an irony, as redistricting approaches, that "responsiveness' has now become the watchword of political reformers in Congress. How the hell responsive is a system likely to be in which a 10 percent turnover represents a political landslide? How responsive is a system in which even the best qualified officeholder, except in the rarest of circumstances, must wait until an open seat occurs before he can seriously expect to run and win?

Well, Mao Tse-Tung is more popular on Taiwan than such talk is back here. Everyone is prattling about "compromise" of California's five new seats (which probably means three Democrats and two Republicans, give or take a Nixon coattail), but everyone is also starting with the premise that all of the incumbents ought to be protected.

The premise is based upon a proper notion that has for reasons of self-interest been carried to a logical absurdity. California *does* need more clout in Congress and few Californians of any persuasion (this writer included) would want to lose the undeniable seniority advantages posessed by Rep. H.

(Continued on next page)

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LEADERSHIP *(Continued from page 311)*

wards of victory. Moretti, who took an early but not clearly decisive lead in the speakership race availed himself of every opportunity to be interviewed by the press and to make appearances on radio and television to discuss his candidacy and the election.

Against the advantage which goes to the apparent leader in the race, other contenders must mount a strong counter movement to keep those who are undecided but anxious to be with the winner from going to the leader. Until it becomes clear that they can stop the frontrunner, however, the other contenders have little hope of picking up commitments of their own among the uncommitted.

Other Motives

Other avowed candidates for Speaker have other motives for their actions. Some announce their candidacies for the purpose of serving as a stalking horse for someone else; at the appropriate moment they bow out of the race with a pronouncement of support and a bloc of votes for another candidate. Often a serious candidate will bow out of the race and concede in favor of someone else's candidacy when he is convinced that he cannot get elected and that prolonging the fight will endanger his ability to receive any lesser leadership position.

Individual legislators, however, are not prone to give their vote to a bloc. It is not infrequent that a supporter of one candidate will tell another that he must cast his first vote for an old friend but can be counted on for support after that. This helps give rise to the standing joke that the size of the Legislature swells during speakership races — if all of the candidates' votes are added up, they usually come to a total which greatly exceeds the actual number of legislators.

Moretti's backers, confident they had the votes, called for a caucus of the Democrats. As the caucus approached, each of the remaining major contenders conceded and looked for other leadership positions. Moretti was clearly the winner by the time the caucus met in Sacramento on November 25th, and barring some unforseeable event, he will be elected Speaker when the Assembly convenes January 4th. After the caucus met it was also announced that Assemblyman Bee had been chosen for Speaker pro Tem, the position he held when Unruh was Speaker. Ken Cory was named acting Caucus Leader. Knox is certain to have his choice of committee chairmanships.

Senate Tactics

Although the basis of seeking support for the post of President pro Tem of the Senate is essentially similar, the fact that the Senate Rules Committee appoints the chairmen and members of committees makes it more difficult to obtain support by promising to give backers the committee assignments they want. This is particularly true when the Senate is narrowly divided both along partisan lines and between Old Guard and "Young Turks." The decisive votes in most races come from those who are not aligned with either side. These swing votes were responsible for Way's election in the middle of the 1969 session and then turned to Schrade during the 1970 session. Again this year they will probably cast the decisive votes.

Those Democrats and Republicans who backed Way in this fashion are now looking to either James Mills of San Diego or unsuccessful Lieutenant Governor candidate Al Alquist. Schrade's chief Democratic support came from Rules Committee members Stephen Teale, Joseph Kennick, and another old guard veteran, Randolph Collier. Now all three are reportedly interested in the pro tem spot themselves, although Collier does not appear to have sufficient support, and both Teale and Kennick may prefer to remain as members of the Rules Committee so long as the pro tem is someone they feel will cooperate with them.

Senator Schrade was campaigning hard to hold on to his position prior to the election and cannot be ruled out even though his party is now in the minority. As the Democratic margin is slim (actually 20-19 as soon as congressman-elect George Danielson takes his oath), Schrade may well succeed in retaining the post. Schrade has an advantage because he can retain the post to which he was elected last year until his opponents are able to assemble enough support to unseat him. His candidacy got a boost recently from Clark Bradley, formerly his most outspoken opponent among Republicans. Bradley announced his support for Schrade, he said, on the basis of party loyalty. The key to the outcome now appears to hinge on the decision of Democratic Senators Teale, Kennick and Collier.

CANNON *(Continued from previous page)*

Allen Smith of Glendale, the ranking Republican on the Rules Committee, or the Government Operations Committee chairmanship inherited by Rep. Chet Holifield of Montebello, dean of the delegation. What is terribly mistaken is to assume that the only alternatives facing the Legislature are to give up the seniority of such men, both of whom usually lead their tickets, or to perpetuate the present incumbents protective society which more than any other single mechanism denies access to the political system. Any system needs some safeguards to protect experience, but the kind of weighting the delegation claims for itself mocks the very theory of popular representation that led to the creation of the House of Representatives. Three districts out of 35 in which the losing major party nominee reaches 40 percent of the vote are simply not enough.

Real winds of change are stirring in the House, and a chance exists in 1971 to make some modest changes in the seniority system. The best way to guarantee that something comes of these changes two years from now is to give the voters a chance to throw out some rascals and some responsible congressmen and to replace them with rascals and responsibles who have never had a chance to make Congress a career.

This is not what is going to happen. What is going to happen is that the Republicans will sit down with Smith and the Democrats with Holifield and they will work it out among themselves and with the Legislature. Rep. Jerome Waldie will figure out how to divest himself of his excess voters, Rep. Richard Hanna will be saved for Orange County and for Lakewood and Rep. Teague will keep his preferred portions of Santa Barbara and Ventura counties. When election time rolls around again in 1972, Californians can look forward to another batch of 40,000 vote squeakers.

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PROPOSITION 18 *(Continued from page 308)*

The supporters of Proposition 18 were outraged by the expenditures and the tactics used by the highway lobby and their billboards. Newspaper headlines in the *Los Angeles Times* ("Money Talks, California Chokes") and the *Sacramento Bee* ("Big Lie Kills Proposition 18") reinforced the impression that highway lobby advertisements stressing "more taxes" defeated Proposition 18. Infuriated by what they termed deceptive advertising, the Association of Emphysema Victims, Californians Against Smog, and the Sierra Club initiated a suit against the oil companies and autoclubs. A preliminary hearing has been put over until January. The purpose of the suit is to force a second vote on Proposition 18.

Voter Confusion

Certainly, the billboards were instrumental in the defeat of Proposition 18, but there were other factors as well. Proponents of the measure failed to explain its contents fully and clearly. Many voters who favor "clean air" nonetheless also favor more freeway construction and have strong doubts about the practicality of rapid transit. In this context, it was not enough for supporters of the amendment to rely upon legislative passage to carry it through the general election without a vigorous campaign.

There is little indication at this time of what the Legislature's response will be to the defeat of Proposition 18. There may be an attempt to repass a similar measure, but its chances would not seem very good. More likely, the anti-pollution and rapid transit issues will be separated, with rapid transit advocates and anti-pollution forces looking in other directions for potential sources of funding for their proposals.

PLANNING *(Continued from page 315)*

The barriers to planning outlined by Weinberger have not diminished. More significantly, there are internal barriers to action which he does not mention that are equally substantial and often more difficult to counter.

Aside from the inter- and intragovernmental and special interest obstacles to coordinated planning, the planners themselves have yet to state their planning goals in terms of attainable political objectives. State planning objectives, even when translated for the policy-makers, must compete with more tangible crises of government. And, finally, because the willingness of the public to pay the costs of preserving the environment is unknown, the first political leader who asks for a massive infusion of public funds for a well-conceived conservation program similar in magnitude to that invested in the State Water Project, for example, is facing a substantial political risk.

Given all these obstacles, the lack of attention given to the new office of planning and research may reflect an accurate estimate of its potential impact.

REVENUE CRISIS *(Continued from page 313)*

With some justification, those school districts such as San Francisco's which stand to lose money to less wealthy districts point out that there are many other elements to the total local property tax burden and that a city or county with a low school rate may very well have a high tax rate for city or county services. Nevertheless, sentiment in favor of a statewide property tax for schools seems to be growing among local officials at all levels.

Restructuring Public Services

There is also growing sentiment for what Post has called "a restructuring of the relationship between state and local governments in a way which will avoid the recurring fiscal crises at both levels." Such a restructuring would have two principal objectives: (1) to reduce dependence upon the property tax and to place more reliance upon those elements of the tax base which will grow at a rate sufficient to meet the future demands of government; and (2) to establish a system for a sharing of tax burdens which has a rational relationship to the benefits and services provided at each level of government.

Several agencies and groups have begun to explore this possibility in detail, including the California Council on Intergovernmental Relations. Following the lead of its parent body in Washington (the Advisory Commission on Intergovernmental Relations) the commission has recently published a preliminary report titled *Allocation of Public Service Responsibilities* which is aimed at establishing ". . . a more rational assignment of public service responsibilities among federal, state and local governments in California." The report and much of the council's present work follows upon a recommendation advanced by the council in 1969:

> The functions and responsibilities of all levels of government within the state should be re-examined and redefined, concurrently with changes in the tax system. It is possible that services now performed at the local level should be shifted to state government and that certain state services should be transferred to local government. Reallocation of service responsibilities between cities, counties, and districts is also possible. The service reallocations should be accompanied by a transfer of the tax base as well.

Described as "a starting point for discussion," the report first attempts to set out the principles which should govern a reallocation of service responsibilities and then tentatively describes a number of possible shifts — for example: giving the state (with federal aid) primary responsibility for the public schools, health care services, and criminal court costs; shifting responsibility for protection and insurance against natural disasters to the local level; shifting many of the costs of transportation programs to user fees; and shifting much of welfare cost and administration to the federal level.

Individual changes such as these have been recommended from time to time by others, and the concept was introduced at least in the Governor's 1970 tax program. But the actual implementation of the concept is a monumental task that will require considerable study, negotiation, and leadership if it is to be accomplished to any important extent. Nevertheless, a start has been made, and an increasing number of state government watchers are beginning to believe that this may be the most exciting and important issue to emerge at the next session of the Legislature.

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CALIFORNIA CALENDAR

INTERIM LEGISLATIVE HEARINGS

Dec. 7 **Senate Local Government Committee** in joint hearing with **Select Committee on Urban Affairs.** Rm. 4203, State Capitol. 10:00 a.m. Subject: Premature subdivision development.

Dec. 9 **Senate Health and Welfare Committee.** Rm. 4040, State Capitol, Sacramento. 10:00 a.m. Subject: Rising hospital costs.

Dec. 9-11 **Assembly Agriculture Committee.** Rm. 6031, State Capitol. 9:00 a.m. Subject: Pesticides and agricultural worker safety.

Dec. 10 **Local Government** and **Natural Resources and Conservation — Second Home Subdivisions Joint Subcommittee.** Rm. 381, Supervisors Hearing Rm., Hall of Administration, 500 W. Temple St., Los Angeles. 9:30 a.m. Subject: Second home subdivisions.

Dec. 10-11 **Commerce and Public Utilities Committee.** Rm. 2133, State Capitol. 10:00 a.m. Subject: 12/10 — Commercial jet fuel tax, 12/11 — Public utilities legislation.

Dec. 15-16 **Senate Natural Resources and Wildlife Committee.** County Administration Bldg., Supervisors' Chambers, Santa Barbara. 9:30 a.m. Subject: Environmental protection program needs.

Dec. 16 **Assembly Transportation Committee.** Rm. B-109, State Bldg., 1350 Front St., San Diego, 10:00 a.m. Subject: Method of allocating highway user taxes.

Dec. 17-18 **Assembly Revenue and Taxation Committee.** Rm. 1138, 107 So. Broadway, Los Angeles. 9:30 a.m. Subject: Local government tax policies, environmental taxation, and intercorporate dividends.

BOARDS AND COMMISSIONS

Dec. 1-18 **California State Plan for Health Task Force.** Rm. 123, 2151 Bekeley Way, Berkeley. 9:30 a.m.-3:30 p.m.

Dec. 9 **State Health Review and Planning Council.** Auditorium, Office Bldg. 9, Sacramento. 8:00 a.m.

Dec. 10-11 **State Board of Education.** Rm. 1138, Junipero Serra Bldg., 107 So. Broadway, Los Angeles. 9:00 a.m.

Dec. 15-16 **State Department of Health Care Services.** First floor hearing room, 714 P St., Sacramento. 10:00 a.m.

Dec. 16-17 **California Highway Commission.** Public Works Bldg., 1120 N St., Sacramento. 10:00 a.m.

State Personnel Board. 801 Capitol Mall, Sacramento. 9:00 a.m.

Dec. 17-18 **State Social Welfare Board.** Marina del Rey Hotel, 13534 Bali Way, Marina del Rey. 12/17 -7:30 p.m., 12/18 - 9:00 a.m.

PEOPLE IN THE NEWS

APPOINTED

George R. Cook, 29, former consultant to the State Department of Finance and the State Senate Committee on Finance, as principal assistant to the General Manager of the County Supervisors Association of California.

Dr. David P. Gardner, 37, formerly Vice Chancellor at UC Santa Barbara, as UC Vice President for Public Service Programs and Dean of University Extension, by the Board of Regents of the University of California.

Rep. Chet Holifield (D-Montebello), 67, dean of California's congressional delegation, as Chairman of the Government Operations Committee of the House of Representatives.

John G. Holmes, 21, chemical engineering student at UC Santa Barbara, to a four-year term on the Air Resources Board, by Governor Reagan.

Dr. James E. Jensen, 44, co-ordinator of legislation for the Department of Education and former Executive Officer to the State Senate Rules Committee, as Director of Governmental Affairs for the California State Collges, by Chancellor Glenn S. Dumke.

Donald G. Livingston, 32, chief deputy director of the Department of General Services since January, 1970, as assistant secretary of the State Agriculture and Services Agency, by Governor Reagan.

G. Lee Ridgeway, 36, CSEA legislative representative, as Chief Legislative Advocate for the California State Employees' Association, succeeding John P. Sheehan.

John P. Sheehan, 45, former chief legislative advocate for the California State Employees' Association, as legislative advocate for the City of Los Angeles.

RESIGNED

Roger Heyns, 52, Chancellor of the University of California at Berkeley, effective June 30, 1971. Heyns was appointed Chancellor by the Regents in late 1965 and has served through some of the stormiest days on the Berkeley campus. Under attack by the Regents off and on throughout his tenure, Heyns suffered a heart attack in July. He stated he resigned to go back to teaching at the University of Michigan for "personal, family, and professional" reasons.

Rus Walton, 48, Secretary for Program Development to Governor Reagan since 1967. A key cabinet aide, Walton was instrumental in administrative policy development and the Governor's chief speech writer. Walton plans to write a series of commentaries on California politics.

DIED

Jack B. Tenney, 72, former California legislator from Los Angeles County and Chairman of the State Senate Committee on Un-American Activities in the 1940's. He was elected to the State Assembly in 1936, 1938, and 1940 as a Democrat and served in the State Senate from 1942 to 1954 as a Republican.

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Selected State Government Reports

CRIME AND PENOLOGY

A Comparison of Characteristics of Youth Authority Wards: June 30th Each Year, 1961-70. Dept. of Youth Authority, 714 P St., Sacramento 95814, Sept., 1970, 15 pp.

New Statutes Affecting the Criminal Law. Report of the Assembly Committee on Criminal Procedure, State Capitol, Sacramento, October, 1970, 46 pp. A summary of the 1970 legislation affecting criminal statutes.

The Los Angeles Riots: A Socio-Psychological Study. Nathan Cohen, ed. Published in cooperation with the Institute of Government and Public Affairs, University of California, Los Angeles, 1970, 742 pp.

Report on Student Disorders: Study of UCSB and Isla Vista Protests. Santa Barbara Citizens Commission on Civil Disorders, 941 Santa Barbara Street, Santa Barbara 93103, Sept., 1970.

EDUCATION

Joe College is Dead: The Inter-relationships of Urban and University Administration. Institute of Local Self-Government, Hotel Claremont, Berkeley 94705, 1970, 22 pp.

Financing California Public Schools. California Teachers Association, Research Office, Los Angeles, 1970, 57 pp.

Parent and Teacher Attitudes Toward Integration and Busing. California Teachers Association, Research Resume No. 43, Burlingame, 1970, 48 pp.

The State of the University: Authority and Change. Carlos E. Kruytbosch and Sheldon L. Messinger, eds., Sage Publications, Beverly Hills, 1970, 379 pp. An analysis of the process of institutional self-awareness with proposals for reform.

ENVIRONMENT

California Water: A Strategy. Planning and Conservation League, 909 12th Street, Sacramento 95814, 1970, 19 pp.

Civic Ecology for Century 21: A Bold Approach. Institute for Local Self-Government, Hotel Claremont, Berkeley 94705, October, 1970, 112 pp., $3.00.

Fish and Wildlife Losses Dues to Pesticides and Pollution from 1965 to 1969. Dept. of Fish and Game, 1416 9th Street, Sacramento 95814, February, 1970.

Bills Affecting Environment: 1970. Senate Select Committee on Environmental Control, State Capitol, Sacramento, October, 1970, 25 pp.

Save the Delta/Benefit All California: The Truth About the Peripheral Canal. California Water Resources Association, Glendale, 1970.

GOVERNMENT AND POLITICS

San Francisco: The Politics of Hyperpluralism. Institute of Governmental Studies, University of California, Berkeley 94720, Reprint No. 36, 1970, 55 pp.

Summary of Ballot Propositions for November, 1970, With Particular Emphasis on Cost Considerations. Office of Legislative Analyst, State Capitol, Sacramento 95814, Sept., 1970, 13 pp.

It's Your Party. League of Women Voters of California, 3140 J Street, Sacramento 95814, 1970, 24 pp., 35¢. Analysis of political party organization and pressure groups in California.

HEALTH AND WELFARE

An Individualized Approach to the Problems of Poverty and Dependency. Department of Rehabilitation, 714 P St., Sacramento 95814, April, 1970, 61 pp.

Fifth Progress Report: The Concept of Mainstream Medicine for all Californians. California Medical Association, 693 Sutter Street, San Francisco 94102, 1970, 15 pp.

A Study of More Effective Education Relative to Narcotics, Other Harmful Drugs, and Hallucinogenic Substances: A Progress Report. Dept. of Education, 721 Capitol Mall, Sacramento 95814, 1970, 32 pp.

Continuing Problems in Providing Nursing Home Care and Prescribed Drugs Under the Medicaid Program in California. U.S. Comptroller General, Washington, D.C., August, 1970, 59 pp.

Social Welfare Programs for the Blind: General Information. Dept. of Social Welfare, 744 P Street, Sacramento 95814, June, 1970, 7 pp.

Organization for Comprehensive Health Planning in California. Dept. of Public Health, Health Planning Agency, 744 P Street, Room 576, Sacramento 95814, 1970, 32 pp.

MISCELLANEOUS

Laws on Sex Discrimination in Employment: Federal Civil Rights Act, Title VII. U.S. Women's Bureau, Dept. of Labor, Washington, D.C., 1970, 20 pp.

Veterans Affairs Programs in California: A Report to the State Senate. Senate Committee on Governmental Organization, State Capitol, Sacramento 95814, October, 1970, 38 pp.

Estimates of the Elasticity of California's Individual Income Tax. Kent O. Sims, Federal Reserve Bank of San Francisco, 1970, 23 pp.

The Southern California Report: A Study of Growth and Economic Stature. Security Pacific National Bank, Los Angeles, 1970, 160 pp. Economic conditions in Southern California.

Facts and Mythologies About Youth and Society as We Enter the 70's. Dr. Alex C. Sherriffs, Assistant to the Governor in Education, Governor's Office, State Capitol, Sacramento, 1970.

Allocation of Public Service Responsibilities in California. California Council on Intergovernmental Relations, 1970. Recommended shifts in state and local government services with corresponding reallocation of government revenue sources.

A Sense of Obligation: Story of the League of Women Voters of California. 126 Post Street, Room 512, San Francisco 94108, 1970, 47 pp.

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Man's feet may wallow in the bog of self-interest, but his eyes and ears are strangely attuned to calls from the mountain top. -Stephen K. Bailey

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